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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

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In the Matter of)
) DOCKET NO. 8516
Editorializing by Broadcast Licensees)

Mayflower

REPORT OF THE COMMISSION

BY THE COMMISSION: Chairman Coy and Commissioner Walker not participating; additional views by Commissioner Webster; separate opinion by Commissioner Jones; Commissioner Hennock dissenting.

1. This Report is issued by the Commission in connection with its hearings on the above entitled matter held at Washington, D. C. on March 1, 2,3,4, and 5 and April 19, 20, and 21, 1948. The hearing had been ordered on the Commission's own motion on September 5, 1947, because of our belief that further clarification of the Commission's position with respect to the obligations of broadcast licensees in the field of broadcasts of news, commentary and opinion was advisable. It was believed that in view of the apparent confusion concerning certain of the Commission's previous statements on these vital matters by broadcast licensees and members of the general public, as well as the professed disagreement on the part of some of these persons with earlier Commission pronouncements, a reexamination and restatement of its views by the Commission would be desirable. And in order to provide an opportunity to interested persons and organizations to acquaint the Commission with their views, prior to any Commission determination, as to the proper resolution of the difficult and complex problems involved in the presentation of radio news and comment in a democracy, it was designated for public hearing before the Commission en banc on the following issues:

"1. To determine whether the expression of editorial opinions by broadcast station licensees on matters of public interest and controversy is consistent with their obligations to operate their stations in the public interest.

2. To determine the relationship between any such editorial expression and the affirmative obligation of the licensees to insure that a fair and equal presentation of all sides of controversial issues is made over their facilities."

2. At the hearings testimony was received from some 49 witnesses representing the broadcasting industry and various interested organizations and members of the public. In addition, written statements of their position on the matter were placed into the record by 21 persons and organizations who were unable to appear and testify in person. The various wit-

nesses and statements brought forth for the Commission's consideration, arguments on every side of both of the questions involved in the hearing. Because of the importance of the issues considered in the hearing, and because of the possible confusion which may have existed in the past concerning the policies applicable to the matters which were the subject of the hearing, we have deemed it advisable to set forth in detail and at some length our conclusions as to the basic considerations relevant to the expression of editorial opinion by broadcast licensees and the relationship of any such expression to the general obligations of broadcast licensees with respect to the presentation of programs involving controversial issues.

3. In approaching the issues upon which this proceeding has been held, we believe that the paramount and controlling consideration is the relationship between the American system of broadcasting carried on through a large number of private licensees upon whom devolves the responsibility for the selection and presentation of program material, and the Congressional mandate that this licensee responsibility is to be exercised in the interests of, and as a trustee for the public at large which retains ultimate control over the channels of radio and television communications. One important aspect of this relationship, we believe, results from the fact that the needs and interests of the general public with respect to programs devoted to news commentary and opinion can only be satisfied by making available to them for their consideration and acceptance or rejection, of varying and conflicting views held by responsible elements of the community. And it is in the light of these basic concepts that the problems of insuring fairness in the presentation of news and opinion and the place in such a picture of any expression of the views of the station licensee as such must be considered.

4. It is apparent that our system of broadcasting, under which private persons and organizations are licensed to provide broadcasting service to the various communities and regions, imposes responsibility in the selection and presentation of radio program material upon such licensees. Congress has recognized that the requests for radio time may far exceed the amount of time reasonably available for distribution by broadcasters. It provided, therefore, in Section 3(h) of the Communications Act that a person engaged in radio broadcasting shall not be deemed a common carrier. It is the licensee, therefore, who must determine what percentage of the limited broadcast day should appropriately be devoted to news and discussion or consideration of public issues, rather than to the other legitimate services of radio broadcasting, and who must select or be responsible for the selection of the particular news items to be reported or the particular local, state, national or international issues or questions of public interest to be considered, as well as the person or persons to comment or analyze the news or to discuss or debate the issues chosen as topics for radio consideration, "The life of each community involves a multitude of interests some dominant and all pervasive such as interest in public affairs, education and similar matters and some highly specialized and limited to few. The practical day-to-day problem with which every licensee is faced is one of striking a balance between these various interests to reflect them in a program service which is useful to the community, and which will in some way fulfil the needs and interests of the many." Capital Broad-

casting Company, 4 Pike & Fischer, R.R. 21; The Northern Corporation (WMEX), 4 Pike & Fischer, R.R. 333, 338. And both the Commission and the Courts have stressed that this responsibility devolves upon the individual licensees, and can neither be delegated by the licensee to any network or other person or group, or be unduly fettered by contractual arrangements restricting the licensee in his free exercise of his independent judgments. National Broadcasting Company v. United States, 319 U.S. 190 (upholding the Commission's Chain Broadcasting Regulations, Sections 3.101-3.108, 3.231-3.238, 3.631-3.638), Churchhill Tabernacle v. Federal Communications Commission 160 F. 2d. 244, (See, Rules and Regulations, Sections 3.109, 3.239, 3.639); Allen T. Simmons v. Federal Communications Commission, 169 F. 2d 670, certiorari denied 335 U.S. 846.

5. But the inevitability that there must be some choosing between various claimants for access to a licensee's microphone, does not mean that the licensee is free to utilize his facilities as he sees fit or in his own particular interests as contrasted with the interests of the general public. The Communications Act of 1934, as amended, makes clear that licenses are to be issued only where the public interest, convenience or necessity would be served thereby. And we think it is equally clear that one of the basic elements of any such operation is the maintenance of radio and television as a medium of freedom of speech and freedom of expression for the people of the nation as a whole. Section 301 of the Communications Act provides that it is the purpose of the Act to maintain the control of the United States over all channels of interstate and foreign commerce. Section 326 of the Act provides that this control of the United States shall not result in any impairment of the right of free speech by means of such radio communications. It would be inconsistent with these express provisions of the Act to assert that, while it is the purpose of the Act to maintain the control of the United States over radio channels, but free from any regulation or condition which interferes with the right of free speech, nevertheless persons who are granted limited rights to be licensees of radio stations, upon a finding under Sections 307(a) and 309 of the Act that the public interest, convenience, or necessity would be served thereby, may themselves make radio unavailable as a medium of free speech. The legislative history of the Communications Act and its predecessor, the Radio Act of 1927 shows, on the contrary, that Congress intended that radio stations should not be used for the private interest, whims, or caprices of the particular persons who have been granted licenses, but in manner which will serve the community generally and the various groups which make up the community.2/

2/ Thus in the Congressional debates leading to the enactment of the Radio Act of 1927 Congressman (later Senator) White stated (67 Cong. Rec. 5479, March 12, 1926):

> "We have reached the definite conclusion that the right of all our people to enjoy this means of communication can be preserved only by the repudiation of the idea underlying the 1912 law that anyone who will, may transmit and by the assertion in its stead of the doctrine that the right of the public to service is superior to the right of any individual to use the other * * *

And the courts have consistently upheld Commission action giving recognition to and fulfilling that intent of Congress. KFAB Broadcasting Association v. Federal Radio Commission, 47 F. 2d 670; Trinty Methodist Church, South v. Federal Radio Commission, 62 F. 2d 850, certiorari denied, 288 U.S. 599.

6. It is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day. Basically, it is in recognition of the great contribution which radio can make in the advancement of this purpose that portions of the radio spectrum are allocated to that form of radio communications known as radio-broadcasting. Unquestionably, then, the standard of public interest, convenience and necessity as applied to radio-broadcasting must be interpreted in the light of this basic purpose. The Commission has consequently recognized the necessity for licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station. And we have recognized, with respect to such programs, the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning these vital and often controversial issues which are held by the various groups which make up the community.[3] It is this right of the public to be informed, rather than any right on the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting.

2/cont'd.

> the recent radio conference met this issue squarely. It recognized that in the present state of scientific development there must be a limitation upon the number of broadcasting stations and it recommended that licenses should be issued only to those stations whose operation would render a benefit to the public, are necessary in the public interest or would contribute to the development of the art. This principle was approved by every witness before your committee. We have written it into the bill. If enacted into law, the broadcasting privilege will not be a right of selfishness. It will rest upon an assurance of public interest to be served." (Emphasis added)

And this view that the interest of the listening public rather than the private interests of particular licensees was reemphasized as recently as June 9, 1948 in a unanimous report of the Senate Committee on Interstate and Foreign Commerce on S. 1333 (80th Cong.) which would have amended the present Communications Act in certain respects. See S. Rep't No. 1567, 80th Cong. 2nd Sess., pp. 14-15.

3/ Cf., Thornhill v. Alabama, 310 U.S. 88, 95, 102; Associated Press v. United States 326 U.S. 1, 20.

7. This affirmative responsibility on the part of broadcast licensees to provide a reasonable amount of time for the presentation over their facilities of programs devoted to the discussion and consideration of public issues has been reaffirmed by this Commission in a long series of decisions. The United Broadcasting Company (WHKC) case, 10 FCC 675, emphasized that this duty includes the making of reasonable provision for the discussion of controversial issues of public importance in the community served, and to make sufficient time available for full discussion thereof. The Scott case, 3 Pike & Fischer, Radio Regulation 259, stated our conclusions that this duty extends to all subjects of substantial importance to the community coming within the scope of free discussion under the First Amendment without regard to personal views and opinions of the licensees on the matter, or any determination by the licensee as to the possible unpopularity of the views to be expressed on the subject matter to be discussed among particular elements of the station's listening audience. Cf., National Broadcasting Company v. United States, 319 U.S. 190; Allen T. Simmons, 3 Pike & Fischer, R.R. 1029, affirmed; Simmons v. Federal Communications Commission, 169 F. 2d 670, certiorari denied, 335 U.S. 846; Bay State Beacon, 3 Pike & Fischer, R.R. 1455, affirmed; Bay State Beacon v. Federal Communications Commission, U.S. App. D.C., decided December 20, 1948; Petition of Sam Morris, 3 Pike & Fischer, R.R. 154; Thomas N. Beach, 3 Pike & Fischer R.R. 1784. And the Commission has made clear that in such presentation of news and comment the public interest requires that the licensee must operate on a basis of overall fairness, making his facilities available for the expression of the contrasting views of all responsible elements in the community on the various issues which arise. Mayflower Broadcasting Co., 8 F.C.C. 333; United Broadcasting Co. (WHKC) 10 F.C.C. 515; Cf. WBNX Broadcasting Co., Inc. 4 Pike & Fischer, R.R. 244 (Memorandum Opinion). Only where the licensee's discretion in the choice of the particular programs to be broadcast over his facilities is exercised so as to afford a reasonable opportunity for the presentation of all responsible positions on matters of sufficient importance to be affprded radio time can radio be maintained as a medium of freedom of speech for the people as a whole. These concepts, of course, do restrict the licensee's freedom to utilize his station in whatever manner he chooses but they do so in order to make possible the maintenance of radio as a medium of freedom of speech for the general public.

8. It has been suggested in the course of the hearings that licensees have an affirmative obligation to insure fair presentation of all sides of any controversial issue before any time may be allocated to the discussion or consideration of the matter. On the other hand, arguments have been advanced in support of the proposition that the licensee's sole obligation to the public is to refrain from suppressing or excluding any responsible point of view from access to the radio. We are of the opinion, however, that any rigid requirement that licensees adhere to either of these extreme prescriptions for proper station programming techniques would seriously limit the ability of licensees to serve the public interest. Forums and round-table discussions, while often excellent techniques of presenting a fair cross section of differing viewpoints on a given issue, are not the only appropriate devices for radio discussion, and in some circumstances

may not be particularly appropriate or advantageous. Moreover, in many instances the primary "controversy" will be whether or not the particular problem should be discussed at all; in such circumstances, where the licensee has determined that the subject is of sufficient import to receive broadcast attention, it would obviously not be in the public interest for spokesmen for one of the opposing points of view to be able to exercise a veto power over the entire presentation by refusing to broadcast its position. Fairness, in such circumstances might require no more than that the licensee make a reasonable effort to secure responsible representation of the particular position and, if it fails in this effort, to continue to make available its facilities to the spokesmen for such position in the event that, after the original programs are broadcast, they then decide to avail themselves of a right to reply to present their contrary opinion. It should be remembered, moreover that discussion of public issues will not necessarily be confined to questions which are obviously controversial in nature, and, in many cases, programs initiated with no thought on the part of the licensee of their possibly controversial nature will subsequently arouse controversy and opposition of a substantial nature which will merit presentation of opposing views. In such cases, however, fairness can be preserved without undue difficulty since the facilities of the station can be made available to the spokesmen for the groups wishing to state views in opposition to those expressed in the original presentation when such opposition becomes manifest.

9. We do not believe, however, that the licensee's obligations to serve the public interest can be met merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for broadcast time. If, as we believe to be the case, the public interest is best served in a democracy through the ability of the people to hear expositions of the various positions taken by responsible groups and individuals on particular topics and to choose between them, it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints.

10. It should be recognized that there can be no one all embracing formula which licensees can hope to apply to insure the fair and balanced presentation of all public issues. Different issues will inevitably require different techniques of presentation and production. The licensee will in each instance be called upon to exercise his best judgment and good sense in determining what subjects should be considered, the particular format of the programs to be devoted to each subject, the different shades of opinion to be presented, and the spokesmen for each point of view. In determining whether to honor specific requests for time, the station will inevitably be confronted with such questions as whether the subject is worth considering, whether the viewpoint of the requesting party has already received a sufficient amount of broadcast time, or whether there may not be

other available groups or individuals who might be more appropriate spokesmen for the particular point of view than the person making the request. The latter's personal involvement in the controversy may also be a factor which must be considered, for elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station, where otherwise no such obligation would exist. Undoubtedly, over a period of time some licensees may make honest errors of judgment. But there can be no doubt that any licensee honestly desiring to live up to its obligation to serve the public interest and making a reasonable effort to do so, will be able to achieve a fair and satisfactory resolution of these problems in the light of the specific facts.

11. It is against this background that we must approach the question of "editorialization" — the use of radio facilities by the licensees thereof for the expression of the opinions and ideas of the licensee on the various controversial and significant issues of interest to the members of the general public afforded radio (or television) service by the particular station. In considering this problem it must be kept in mind that such editorial expression may take many forms ranging from the overt statement of position by the licensee in person or by his acknowledged spokesmen to the selection and presentation of news editors and commentators sharing the licensee's general opinions or the making available of the licensee's facilities, either free of charge or for a fee to persons or organizations reflecting the licensee's viewpoint either generally or with respect to specific issues. It should also be clearly indicated that the question of the relationship of broadcast editorialization, as defined above, to operation in the public interest, is not identical with the broader problem of assuring "fairness" in the presentation of news, comment or opinion, but is rather one specific facet of this larger problem.

12. It is clear that the licensees authority to determine the specific programs to be broadcast over his station gives him an opportunity, not available to other persons, to insure that his personal viewpoint on any particular issue is presented in his station's broadcasts, whether or not these views are expressly identified with the licensee. And, in absense of governmental restraint, he would, if he so chose, be able to utilize his position as a broadcast licensee to weight the scales in line with his personal views, or even directly or indirectly to propagandize in behalf of his particular philosophy or views on the various public issues to the exclusion of any contrary opinions. Such action can be effective and persuasive whether or not it is accompanied by any editorialization in the narrow sense of overt statement of particular opinions and views identified as those of licensee.

13. The narrower question of whether any overt editorialization or advocacy by broadcast licensees, identified as such is consonant with the operation of their stations in the public interest, resolves itself, primarily into the issue of whether such identification of comment or opinion broadcast over a radio or television station with the licensee, as such, would inevitably or even probably result in such over-emphasis on the side of any particular controversy which the licensee chooses to espouse as to make impossible any reasonably balanced presentation of all sides of such

issues or to render ineffective the available safeguards of that overall fairness which is the essential element of operation in the public interest. We do not believe that any such consequence is either inevitable or probable, and we have therefore come to the conclusion that overt licensee editorialization, within reasonable limits and subject to the general requirements of fairness detailed above, is not contrary to the public interest.

14. The Commission has given careful consideration to contentions of those witnesses at the hearing who stated their belief that any overt editorialization or advocacy by broadcast licensee is per se contrary to the public interest. The main arguments advanced by these witnesses were that overt editorialization by broadcast licensees would not be consistent with the attainment of balanced presentations since there was a danger that the institutional good will and the production resources at the disposal of broadcast licensees would inevitably influence public opinion in favor of the positions advocated in the name of the licensee and that, having taken an open stand on behalf of one position in a given controversy, a licensee is not likely to give a fair break to the opposition. We believe, however, that these fears are largely misdirected, and that they stem from a confusion of the question of overt advocacy in the name of the licensee, with the broader issue of insuring that the station's broadcasts devoted to the consideration of public issues will provide the listening public with a fair and balanced presentation of differing viewpoints on such issues, without regard to the particular views which may be held or expressed by the licensee. Considered, as we believe they must be, as just one of several types of presentation of public issues, to be afforded their appropriate and non-exclusive place in the station's total schedule of programs devoted to balanced discussion and consideration of public issues, we do not believe that programs in which the licensee's personal opinions are expressed are intrinsically more or less subject to abuse than any other program devoted to public issues. If it be true that station good will and licensee prestige, where it exists, may give added weight to opinion expressed by the licensee, it does not follow that such opinion should be excluded from the air any more than it should in the case of any individual or institution which over a period of time has built up a reservoir of good will or prestige in the community. In any competition for public acceptance of ideas, the skills and resources of the proponents, and opponents will always have some measure of effect in producing the results sought. But it would not be suggested that they should be denied expression of their opinions over the air by reason of their particular assets. What is against the public interest is for the licensee "to stack the cards" by a deliberate selection of spokesmen for opposing points of view to favor one viewpoint at the expense of the other, whether or not the views of those spokesmen are identified as the views of the licensee or of others. Assurance of fairness must in the final analysis be achieved, not by the exclusion of particular views because of the source of the views, or the forcefulness with which the view is expressed, but by making the microphone available, for the presentation of contrary views without deliberate restrictions designed to impede equally forceful presentation.

15. Similarly, while licensees will in most instances have at their disposal production resources making possible graphic and persuasive techniques for forceful presentation of ideas, their utilization for the promulgation of the licensee's personal viewpoints will not necessarily or automatically lead to unfairness or lack of balance. While uncontrolled utilization of such resources for the partisan ends of the licensee might conceivably lead to serious abuses, such abuses could as well exist where the station's resources are used for the sole use of his personal spokesmen. The prejudicial or unfair use of broadcast production resources would, in either case, be contrary to the public interest.

16. The Commission is not persuaded that a station's willingness to stand up and be counted on these particular issues upon which the licensee has a definite position may not be actually helpful in providing and maintaining a climate of fairness and equal opportunity for the expression of contrary views. Certainly the public has less to fear from the open partisan than from the covert propagandist. On many issues, of sufficient importance to be allocated broadcast time, the station licensee may have no fixed opinion or viewpoint which he wishes to state or advocate. But where the licensee, himself, believes strongly that one side of a controversial issue is correct and should prevail, prohibition of his expression of such position will not of itself insure fair presentation of that issue over his station's facilities, nor would open advocacy necessarily prevent an overall fair presentation of the subject. It is not a sufficient answer to state that a licensee should occupy the position of an impartial umpire, where the licensee is in fact partial. In the absence of a duty to present all sides of controversial issues, overt editorialization by station licensees could conceivably result in serious abuse. But where, as we believe to be the case under the Communications Act, such a responsibility for a fair and balanced presentation of controversial public issues exists, we cannot see how the open espousal of one point of view by the licensee should necessarily prevent him from affording a fair opportunity for the presentation of contrary positions or make more difficult the enforcement of the statutory standard of fairness upon any licensee.

17. It must be recognized, however, that the licensee's opportunity to express his own views as part of a general presentation of varying opinions on particular controversial issues, does not justify or empower any licensee to exercise his authority over the selection of program material to distort or suppress the basic factual information upon which any truly fair and free discussion of public issues must necessarily depend. The basis for any fair considertion of public issues, and particularly those of a controversial nature, is the presentation of news and information concerning the basic facts of the controversy in as complete and impartial a manner as possible. A licensee would be abusing his position as public trustee of these important means of mass communication were he to withhold from expression over his facilities relevant news or facts concerning a controversy or to slant or distort the presentation of such news. No discussion of the issues involved in any controversy can be fair or in the public interest where such dis-

cussion must take place in a climate of false or misleading information concerning the basic facts of the controversy.

18. During the course of the hearings, fears have been expressed that any effort on the part of the Commission to enforce a reasonable standard of fairness and impartiality would inevitably require the Commission to take a stand on the merits of the particular issues considered in the programs broadcast by the several licensees, as well as exposing the licensees to the risk of loss of license because of "honest mistakes" which they may make in the exercise of their judgment with respect to the broadcasts of programs of a controversial nature. We believe that these fears are wholly without justification, and are based on either an assumption of abuse of power by the Commission or a lack of proper understanding of the role of the Commission, under the Communications Act, in considering the program service of broadcast licensees in passing upon applications for renewal of license. While this Commission and its predecessor, the Federal Radio Commission, have, from the beginning of effective radio regulation in 1927, properly considered that a licensee's overall program service is one of the primary indicia of his ability to serve the public interest, actual consideration of such service has always been limited to a determination as to whether the licensee's programming, taken as a whole, demonstartes that the licensee is aware of his listening public and is willing and able to make an honest and reasonable effort to live up to such obligations. The action of the station in carrying or refusing to carry any particular program is of relevance only as the station's actions with respect to such programs fits into its overall pattern of broadcast service, and must be considered in the light of its other program activities. This does not mean, of course, that stations may, with impunity, engage in a partisan editorial campaign on a particular issue or series of issues provided only that the remainder of its program schedule conforms to the statutory norm of fairness; a licensee may not utilize the portion of its broadcast service which conforms to the statutory requirements as a cover or shield for other programming which fails to meet the minimum standards of operation in the public interest. But is is clear that the standard of public interest is not so rigid that an honest mistake or error in judgment on the part of a licensee will be or should be condemned where his overall record demonstrates a reasnnable effort to provide a balanced presentation of comment and opinion on such issues. The question is necessarily one of the reasonableness of the station's actions, not whether any absolute standard of fairness has been achieved. It does not require any appraisal of the merits of the particular issue to determine whether reasonable efforts have been made to present both sides of the question. Thus, in appraising the record of a station in presenting programs concerning a controversial bill pending before the Congress of the United States, if the record disclosed that the licensee had permitted only advocates of the bill's enactment to utilize its facilities to the exclusion of its opponents, it is clear that no independent appraisal of the bill's merits by the Commission would be required to reach a determination that the licensee had misconstrued its duties and obligations as a person licensed to serve the public interest. The Commission has observed, in considering this general problem that "the duty to operate in the public interest is no esoteric mystery, but is essentially a duty to operate a radio station with good judgment and good faith guided by a reasonable regard for the interests of the community to be served."

Northern Corporation (WMEX), 4 Pike & Fischer, R.R. 333, 339. Of course, some cases will be clearer than others, and the Commission in the exercise of its functions may be called upon to weigh conflicting evidence to determine whether the licensee has or has not made reasonable efforts to present a fair and well-rounded presentation of particular public issues. But the standard of reasonableness and the reasonable approximation of a statutory norm is not an arbitrary standard incapable of administrative or judicial determination, but, on the contrary, one of the basic standards of conduct in numerous fields of Anglo-American law. Like all other flexible standards of conduct, it is subject to abuse and arbitrary interpretation and application by the duly authorized reviewing authorities. But the possibility that a legitimate standard of legal conduct might be abused or arbitrarily applied by capricious governmental authority is not and cannot be a reason for abandoning the standard itself. And broadcast licensees are protected against any conceivable abuse of power by the Commission in the exercising of its licensing authority by the procedural safeguards of the Communications Act and the Administrative Procedure Act, and by the right of appeal to the Courts from final action claimed to be arbitrary or capricious.

19. There remains for consideration the allegation made by a few of the witnesses in the hearing that any action by the Commission in this field enforcing a basic standard of fairness upon broadcast licensees necessarily constitutes an "abridgement of the right of free speech" in violation of the First Amendment of the United States Constitution. We can see no sound basis for any such conclusion. The freedom of speech protected against governmental abridgement by the First Amendment does not extend any privilege to government licensees of means of public communications to exclude the expression of opinions and ideas with which they are in disagreement. We believe, on the contrary, that a requirement that broadcast licensees utilize their franchises in a manner in which the listening public may be assured of hearing varying opinions on the paramount issues facing the American people is within both the spirit and letter of the First Amendment. As the Supreme Court of the United States has pointed out in the Associated Press monopoly case:

> "It would be strange indeed, however, if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom...That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not." (Associated Press v. United States, 326 U.S. 1 at p. 20.)

20. We fully recognize that freedom of the radio is included among the freedoms protected against governmental abridgement by the First Amendment. United States v. Paramount Pictures, Inc., et al, 334 U.S. 131, 166. But this does not mean that the freedom of the people as a whole to enjoy the maximum possible utilization of this medium of mass communication may be subordinated to the freedom of any single person to exploit the medium for his own private interest. Indeed, it seems indisputable that full effect can only be given to the concept of freedom of speech on the radio by giving precedence to the right of the American public to be informed on all sides of public questions over any such individual exploitation for private purposes. Any regulation of radio, especially a system of limited licensees, is in a real sense an abridgement of the inherent freedom of persons to express themselves by means of radio communications. It is, however, a necessary and constitutional abridgement in order to prevent chaotic interference from destroying the great potential of this medium for public enlightment and entertainment. National Broadcasting Company v. United States, 319 U. S. 190, 296; cf; Federal Radio Commission v. Nelson Brothers Bond & Mortgage Co., 289 U. S. 266; Fisher's Blend Station, Inc. v. State Tax Commission, 277 U.S. 650. Nothing in the Communications Act or its history supports any conclusion that the people of the nation, acting through Congress, have intended to surrender or diminish their paramount rights in the air waves, including access to radio broadcasting facilities to a limited number of private licensees to be used as such licensees see fit, without regard to the paramount interests of the people. The most significant meaning of freedom of the radio is the right of the American people to listen to this great medium of communications free from any governmental dictation as to what they can or cannot hear and free alike from similar restraints by private licensees.

21. To recapitulate, the Commission believes that under the American system of broadcasting the individual licensees of radio stations have the responsibility for determining the specific program material to be broadcast over their stations. This choice, however, must be exercised in a manner consistent with the basic policy of the Congress that radio be maintained as a medium of free speech for the general public as a whole rather than as an outlet for the purely personal or private interests of the licensee. This requires that licensees devote a reasonable percentage of their broadcasting time to the discussion of public issues of interest in the community served by their stations and that such programs be designed so that the public has a reasonable opportunity to hear different opposing positions on the public issues of interest and importance in the community. The particular format best suited for the presentation of such programs in a manner consistent with the public interest must be determined by the licensee in the light of the facts of each individual situation. Such presentation may include the identified expression of the licensee's personal viewpoint as part of the more general presentation of views or comments on the various issues, but the opportunity of licensees to

present such views as they may have on matters of controversy may not be utilized to achieve a partisan or one-sided presentation of issues. Licensee editorialization is but one aspect of freedom of expression by means of radio. Only insofar as it is exercised in conformity with the paramount right of the public to hear a reasonably balanced presentation of all responsible viewpoints on particular issues can such editorialization be considered to be consistent with the licensee's duty to operate in the public interest. For the licensee is a trustee impressed with the duty of preserving for the public generally radio as a medium of free expression and fair presentation.

FEDERAL COMMUNICATIONS COMMISSION

T. J. Slowie
Secretary

Adopted: June 1, 1949

Released: June 2, 1949

Corrected

ADDITIONAL VIEWS OF COMMISSIONER E. M. WEBSTER

I adopt the majority opinion and file the following additional views. In my opinion, the report and attached separate views of Commissioner Jones still leaves a licensee in a quandary and a state of confusion in that he must follow with his own interpretation of an involved academic legal treatise to determine what he can or cannot do in his day-to-day operation. He is entitled to know from the Commission just that--"what he can or cannot do"--in as concise and unequivocal language as possible.

The issue is simply stated: "Can a licensee of a broadcasting station be an advocate over his own station?"

At the risk of oversimplification, but in the interest of the licensee, I consider the answer to this question to be as follows:

1. Freedom of speech over the radio is not at issue. The right or privilege of access to the radio microphone is an issue.

2. No individual has the right of access to a radio microphone (except for such rights as may be conferred by Section 315 of the Communications Act - "Facilities For Candidates For Public Office"). Each individual licensee has the privilege of and responsibility for determining the particular persons or groups to be granted access to the microphone, which includes denial of access, and the specific program material to be broadcast over his facilities.

3. This privilege and responsibility is not unrestricted, however, but represents a sacred trust which must be exercised in a manner consistent with the basic policy of the Communications Act that broadcasting stations be licensed to serve the interests of the public at large rather than the personal or private interests of the licensee.

4. The public interest requires that the listening public secure a reasonable opportunity to hear differing and opposing positions on the controversial public issues of interest and importance in the community. Where a licensee affords time over his facilities for the expression of any one opinion on such issues, he is under an obligation to insure that opposing points of view will also be presented or at least that a reasonable opportunity be afforded for the presentation of such views.

5. The licensee is free to exercise his privilege of selection of persons to be given access to the microphone to present his own views of controversial public issues or to select persons to broadcast over his facilities whom he knows

or has reason to believe share his views. However, where the licensee grants the privilege of access to the microphone to himself or his spokesman, such broadcasts must be handled in the same manner as all other broadcasts of controversial issues and the licensee may not utilize his authority to select the persons to have access to his microphone to advance his own ideas or opinions to the exclusion of others.

6. The particular format or formats for the presentation of controversy must be determined by the individual licensee in the light of the particular circumstances of each case. There can be no mechanical formula or test which can be prescribed to insure the essential fairness which is the prerequisite of any successful operation in the public interest. The decisions which have to be made by licensees in this field are in many cases difficult ones. But, any licensee making a sincere and reasonable effort to serve the needs of his listening audience as a whole in conformity with the precepts set out above should be able to meet his obligation as a licensee of providing service in the public interest, convenience, or necessity.

Separate Views of Commissioner Jones

1. I agree that radio station licensees may editorialize over their own facilities. I believe that any document establishing this policy requires a reversal of the Mayflower Broadcasting Company decision, 8 FCC 333, which fully and completely suppressed and prohibited the licensee from speaking in the future over his facilities in behalf of any cause. All licensees considered this Mayflower decision as applicable to each of them. I believe that the Commission thus violated the First Amendment and that the Commission should acknowledge the unconstitutionality of the Mayflower decision and rule that the licensee may speak.

2. Since the Majority do not acknowledge the applicability of the First Amendment in determining whether the licensee may use his own microphone to advocate causes, it is not surprising that the Mayflower decision is quoted with apparent approval. They seem to urge that any relaxation of complete suppression is by the sufferance or leave of the Commission. They have proscribed their permission with prospective conditions in terms of fairness, several examples of which are described seriatim, and then they conclude: "It should be recognized that there can be no one all embracing formula which licensees can hope to apply to insure the fair and balanced presentation of all public issues." Nor do I find any assistance to the licensee or any clarification of the constitutional questions in the separate opinion of Commissioner Webster. When the Commissioner picks legal assumptions from the other, as: "Freedom of speech over the air is not at issue. The right or privilege of access to the radio microphone is the issue", the ceiling of oversimplification is unlimited to reach most any unconstitutional conclusion.

3. The Commission connotes "editorialization" with "news" and "comment". The relationship of commentators and licensees, including network licensees, is such that under the majority view commentator editorialization cannot be ignored and fairness should attach to them if their opinion is to have any meaning of consequence to the industry.

4. In taking the position I do in this matter that licensees shall be free without previous restraint to exercise their constitutional right to editorialize, I wish to make it clearly understood that I also believe that in a revocation or renewal proceeding the Commission has the right to review the overall past performance of the licensee including now a review of one additional facet -- editorialization over his own facilities by a licensee and according to my view by commentators -- to determine whether a finding can be made that he will operate his radio facilities in the public interest, convenience and necessity. This power of the Commission to review the overall operations of the licensee as the steward of the public is as far as the poles from an ambiguous prospective guide the majority is adopting here to cover a specific segment of the licensee's obligations under the Act.

5. Even if the Commission could attach prospective conditions upon the licensee's right to editorialize, such conditions should not be couched in ambiguous terms. Further, the Administrative Procedure Act and the Rules and Regulations of the Administrative Committee issued pursuant to the Federal Register Act (44 USC Subchapter 8B) require policy statements to be published in codified form. Since I have come to these conclusions in disposing of the right of licensees to editorialize, I am constrained to state my reasons therefor as follows:

6. Neither the questions here presented nor their resolution can be adequately understood without a discussion of the case of Mayflower Broadcasting Company, 8 FCC 333. In the Mayflower case, the Commission had before it a situation where a licensee had used the facilities of his station to promote ideas and political candidates of his own choosing. The Commission, in reviewing the licensee's operation, held that a licensee could not, under any circumstances, consonant with the public interest, act as an advocate. The Commission said "a truly free radio cannot be used to advocate the causes of the licensee. ... it cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate." 8 FCC at 340. While some question has been raised from time to time as to whether these broad statements constituted only dictum, examination of the Commission's disposition of the proceedings in that case makes it clear that the broad language of the Commission prohibiting advocacy by licensees over their facilities was intended to be part of the ratio decidendi. Thus in concluding to grant the application for renewal of station KMB's license, the Commission expressly relied upon the licensee's unequivocal representations that no editorials had been broadcast since September 1938, that the licensee did not intend to depart from this uninterrupted policy and that the station had no editorial policy. In view of the language of the Mayflower decision and the Commission's basis of disposition of the proceedings, I cannot see how the Mayflower decision can be read in any other way but as a square holding that a licensee cannot use his microphone for personal advocacy. The Commission, in my opinion, fully and completely suppressed and prohibited the licensee from speaking in the future over his microphone in behalf of any cause.

7. It is true that protests were heard outside of the Commission's meeting room, but for 7 years no one formally challenged the decision of the Commission,[1/] and the Commission took no steps to disclaim the ban created on editorialization

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1/ This decision of the Commission has hung like Damocles' sword over every station licensee to silence the licensee as an advocate. While it is true that any licensee in defiance of the Mayflower decision might personally have expressed editorial opinions and thus put his station license in jeopardy, the fact remains that no one challenged the governmental authority in this instance. I realize, of course, the dangers that a licensee would have been required to face had he challenged the Mayflower decision. Nevertheless radio should remember the history and experience of newspapers in their fight for freedom of the press. That battle should serve as a guide to the broadcasting industry on how to combat current abuse of governmental authority.

by licensees. It is therefore reasonable to say that at the time of the commencement of these proceedings, it was the unimpaired ruling of this Commission that editorialization over the facilities of a station by the licensee was contrary to the public interest. I would now expressly repudiate any such doctrine and explicitly make clear that to the extent that Mayflower created such a ban it is now overruled. The failure of the majority to discuss Mayflower and to repudiate the ban on editorialization created by Mayflower is under such circumstances extraordinary. It may not be without significance that the majority report cites the Mayflower decision with apparent approval. In view of the majority's decision I do not see how it can consistently appear to leave the effect of Mayflower unimpaired while at the same time hold that editorialization by licensees is not contrary to the public interest. The majority report in failing to discuss the effect of Mayflower on the main problem here presented either indicates a reluctance to admit the error of the earlier decision or a desire to perpetuate its evil effect. In either case I cannot approve.

8. In concluding that editorialization by licensees is not prohibited, the majority report does not expressly say that such conduct is permitted in the public interest. The Commission, without any reference to the effect of Mayflower, merely comes to the conclusion that overt licensee editorialization, within reasonable limits and subject to the general requirements of fairness, is not contrary to the public interest. This conclusion thus appears to be based solely on the requirement created by this Commission that licensees be fair and objective in the presentation of controversial issues of public importance. I believe that in resting this holding solely on that ground, the Commission overlooks the more important and determinative factor of the First Amendment of the Constitution of the United States. If as the majority states "radio is included among the freedoms protected against governmental abridgment by the First Amendment" and if as is made clear by the majority it must be made available to "all responsible elements in the community", then it follows that governmental prohibition of editorialization by licensees, who certainly are a responsible element of the community, constitutes an unconstitutional abridgment of free speech. 2/ I, therefore, rest my decision that editorialization by licensees is in the public interest not on any policy requirement created by the Commission but upon the inviolate terms of the First Amendment. For whether or not the Commission is willing to follow the rule that licensees must be fair and objective in the presentation of controversial issues of public importance, a prohibition of editorialization by licensees would, in

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2/ Both the Communications Act and the decisions of this Commission and the courts make it clear that radio station licensees are required to be responsible members of the community. Irresponsible licensees are, of course, not qualified to be the holders of radio station licenses and the problem of editorialization by licensees in a context of irresponsibility presents entirely different problems from those involved in a ban on all editorialization by licensees. Cf. Trinity Methodist Church, South v. Federal Radio Commission, 62 F. 2d 850, cert. den., 288 U.S. 599.

my opinion, be contrary to the First Amendment and therefore invalid as an unconstitutional abridgment of free speech.

9. It is, however, suggested that since licensees are in effect trustees of the airwaves for the public, the Commission may condition the grant of the radio station license on the duty of the licensee to refrain from editorializing. I cannot, however, subscribe to this contention. In my opinion, cases such as United Public Workers v. Mitchell, 330 U.S. 75, and McAuliffe v. Mitchell, 155 Mass. 216, dealing with prohibitions on political activities by Civil Service employees are not at all applicable here. Those decisions rest solely on the peculiar nature of the relationship of the government, as an employer, to persons in its employ. The United Public Workers case makes clear that the extraordinary evil of political partisanship by classified employees of government is so substantial as to warrant an interference with the normal freedoms guaranteed by the Constitution. I do not believe that any such evil is here involved. Whatever the evil that may result from editorializing by licensees, I do not believe it is so substantial as to warrant the deprivation of the civil rights of the licensee. Accordingly, I believe that any condition imposed on a radio station licensee which prohibits editorialization by the licensee constitutes the imposition of an unreasonable and unconstitutional condition in violation of the First Amendment.

10. My objection to the manner in which the majority approaches the problems presented does not constitute a mere preference as to the route by which it reaches its decision. It reflects rather what I believe to be a fundamental difference in approach to the Commission's regulatory powers with respect to the programming policies of licensees. Whatever may be the constitutional validity of the approach the Commission takes, I believe the fundamental policy against previous restraint of speech requires the Commission to meticulously avoid the imposition of prospective conditions upon speech of licensees that is entitled to the protection of the First Amendment.

11. We should, I believe, pay particular attention to the manner in which the body of law with respect to the Commission's powers over the programming policies of licensees has arisen. Section 326 of the Communications Act expressly prohibits the Commission from exercising any powers of censorship. The Commission on the other hand has been given full power in connection with its licensing functions to determine whether an application for a station license or for renewal of such a license would serve the public interest, convenience or necessity. Moreover, application of the policy against previous restraint on speech is not at all inconsistent with this power, and the body of law with respect to the Federal Radio and Federal Communications Commission has grown upon the assumption that no previous restraint should be imposed upon radio speech but that the Commission may in connection with its regular review of each station's operation determine whether or not the operation of the station has been in the public interest. In the words of Justice Groner: "It may, therefore, be set down as a fundamental principle that under these constitutional guarantees /of free speech/ the citizen has in the first instance the right to utter or publish his sentiments although, of course, upon condition that he is responsible for any abuse of that right. Near v. Minnesota Ex Rel Olson, 283 US 697, 51 S. Ct. 625, 75 L. Ed. 1357." Trinity Methodist Church, South v. Federal Radio Commission,

62 F. 2d 850, cert. den. 288 US 599. 3/

12. Thus, it is clearly within the scope of the Commission's authority to refuse to grant a renewal of license to one whose operation is extensively conducted in his personal interest rather than the public interest. Cf. KFKB Broadcasting Association v. Federal Radio Commission, 47 F. 2d 670. Likewise the Commission does not deny freedom of speech by refusing to renew the license of one who in an irresponsible manner has abused the privileges conferred upon him by broadcasting defamatory and untrue matter and has obstructed the administration of justice by attempting by means of radio to impose his will upon the courts. Trinity Methodist Church, South v. Federal Radio Commission, 62 F. 2d 850, cert. den. 288 US 599.

13. Thus, the powers of the Commission and the responsibilities of the licensee have, without any necessity for violation of the policy against previous restraint, been defined by the courts on a case to case basis where the necessity for such decision has been presented. I am in complete agreement with the standards of licensee conduct imposed by these decisions. I would not, however, deviate from the past method of procedure in handling such problems on the basis of adjudicatory proceedings arising out of individual factual situations. I cannot subscribe to the action of the Commission in expressly imposing prospective conditions on the exercise of the licensee's right to use the facilities of a station for purposes of editorialization. I would not say to the licensee as does the Commission's decision, "You may speak but only on the prospective conditions that are laid down in our report." For my part, I would merely say to the licensee, "You may speak."

14. However, even if I were willing to adopt the approach which places express prospective conditions on the right to editorialize, I could not subscribe to a condition as vague as the concept of the duty to be fair. For where constitutionally valid conditions are imposed on speech by governmental authority, the standards by which one is required to act should be stated in such a way as to be clearly ascertainable. Cf. Winters v. New York, 333 US 507. I do not believe that the conditions imposed here are made clear enough to serve as an adequate guide to the conduct licensees will be required to follow if they are to avail themselves of the right to editorialize. Insofar as the doctrine of fairness has been announced and applied in particular cases, that doctrine may well have concrete meaning. Cf. In re United Broadcasting Company (WHKC), 10 FCC 515. But outside the context of particular circumstances, I do not believe that an a priori standard so broad and vague has significant meaning. We all, of course, can agree that licensees should be fair in the operation of their stations. But in the absence of past examples of the application of the standard fairness to particular situations involving editorialization by licensees, I do not see how licensees will be in a position to ascertain the meaning of the doctrine of fairness as it must be applied to the myriad of factual situations which arise in connection with

3/ I should, however, like to make completely clear that I believe the Governmer has full authority by proper measures to prohibit the use of radio in connection with activities which it may under the police powers prohibit. Cf. Shenck v. United States, 249 US 47. Hence Congress has prohibited the utterance of any obscene, indecent or profane language by means of radio communication (Sec. 1364 of the U.S.Criminal Code (18 USC 1364; 48 Stat. 1091), formerly Sec. 326 of the Communications Act) and the broadcast of lottery information (Sec. 1304 of the U.S. Criminal Code (18 USC 1304; 48 Stat. 1088), formerly Sec. 316 of the Communications Act).

the day to day operation of a radio station. 4/ Nor do I believe that the citation of decisions involving network regulations, network programming, over-commercialism, radio advertising of liquor or broadcasts relating to atheism, furnishes any guide as to the manner in which the doctrine of fairness may apply to situations involving editorialization by licensees.

15. I believe that the problems with respect to editorialization can only and should only be determined a posteriori in connection with specific situations involving editorialization. 5/ I would therefore continue the past

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4/ A few examples of questions raised:

If a licensee editorializes with respect to issue A, is he required under all circumstances to afford radio time to all responsible persons with views contrary to his with respect to issue A? Or is it enough that on most issues the licensee affords time to reply to his own editorial views? Is the licensee required to afford such persons free time or can he require payment for the time? If views contrary to his have been expressed freely on other stations in his community is he required to also afford time on his station? Can the programs of commentators either of his own choosing or of the choosing of his sponsors serve as replies by opposing views? What restrictions can he impose on the manner in which opposing views may reply? Can opposing views reply in the form of song or drama? What restrictions with respect to censorship by the licensee of the opposing script does the Commission intend to apply? These are but a few of the many practical questions faced by the licensee who wishes to editorialize but left unanswered by the Commission's decision.

5/ While it is very true the flexible standards have served very useful functions in Anglo-American law, it must be pointed out that they usually have evolved not by a priori announcements by courts but out of decisions arrived at on a case to case basis. Cf., eg., the history of the development of the legal standards in the common law of negligence. These standards grew out of findings by juries on a case to case basis that eventually were molded into general standards. See Holmes, The Common Law, pp. 122-129. This is especially significant where as here we are dealing with the problems of free speech.

> "The subject in its more general outlook has been the source of much writing since Milton's Aeropagitica, the emancipation of the English press by the withdrawal of the licensing act in the reign of William the Third, and the Letters of Junius. It is enough now to say that the universal trend of decisions has recognized the guaranty of the amendment to prevent previous restraints upon publications, as well as immunity of censorship, leaving to correction by subsequent punishment those utterances or publications contrary to the public welfare. In this aspect it is generally regarded that freedom of speech and press cannot be infringed by legislative, executive, or judicial action, and that the constitutional guaranty should be given liberal and comprehensive construction. It may therefore be set down as a fundamental principle that under these constitutional guaranties the citizen has in the first instance the right to utter or publish his sentiments, though, of course, upon condition that he is responsible for any abuse of that right. Near v. Minnesota ex rel. Olson, 283 U.S. 697; 51 S. Ct. 625, 75 L. Ed. 1357." Trinity Methodist Church, South, v. Federal Radio Commission, 62 F. 2d 850, cert. den. 288 U.S. 599.

procedure of this Commission in handling similar problems on the basis of adjudicatory proceeding arising out of individual factual situations. In this connection the statement of the Supreme Court of the United States in Securities and Exchange Commission v. Chenery Corporation, 332 US 194, 202-203 is pertinent:

> "Not every principle essential to the effective administration of a statute can or should be cast immediately into the mold of a general rule. Some principles must await their own development, while others must be adjusted to meet particular unforeseeable situations. In performing its important functions in these respects, therefore, an administrative agency must be equipped to act either by general rule or by individual order. To insist upon one form of action to the exclusion of the other is to exalt form over necessity.
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> "In other words, problems may arise in a case which the administrative agency could not reasonably foresee, problems which must be solved despite the absence of a relevant general rule. Or the agency may not have had sufficient experience with a particular problem to warrant rigidifying its tentative judgment into a hard and fast rule. Or the problems may be so specialized and varying in nature as to be impossible of capture within the boundaries of a general rule. In those situations, the agency must retain power to deal with the problems on a case to case basis if the administrative process is to be effective."

16. But even if the Commission's approach to the problems here presented is correct, the form in which the Commission's decision is cast is entirely improper. Neither the general policy created nor the qualifications on the right to editorialize are made clear in terms free from ambiguity. Background, policy, example, qualification are all commingled. Indeed, it is, I believe, fair to state that it takes more than merely a careful reading of the report to ascertain the Commission's disposition of the issues presented. Under these circumstances I believe the Commission should speak more clearly. Sound administrative policy pursuant to the mandate of Congress requires the formulation of the standards here created in the form of clear and separately stated rules and regulations which can serve as a clear guide to licensees as to the conduct which the Commission deems it necessary for them to follow. Clearly the uncertainty with respect to the matters here presented should be removed and not augmented by a formless policy statement issued in the mold of a report.

17. Whatever may be our personal preferences with respect to the final form the Commission's decision here should take, I believe that Congress has by statute commanded, where a general policy is created independently of adjudication, that the form be in a separately stated and currently published codified rule. Section 3(a)(3) of the Administrative Procedure Act expressly requires each agency to separately state and currently publish in the Federal Register "substantive rules . . . and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public." If the report of the Commission does not enact a substantive rule it at least constitutes a general statement of policy formulated and adopted for the guidance of the

public. It is to avoid just the type of procedure here followed that the Administrative Procedure Act contained requirements as to the publication of policy statements in rule form.

18. Not only has Congress provided in the Administrative Procedure Act for publication in such form but the Rules and Regulations of the Administrative Committee of the Federal Register, issued pursuant to the Federal Register Act (44 U.S.C. Subchapter 8 B) clearly require policy statements such as that adopted here to be published in the Federal Register in codified form. See Federal Register, October 12, 1948, pp. 5929 et. seq. Rule 1.32 of the Federal Register Regulations provides:

> "Documents having general applicability and legal effect. Every document, issued under proper authority prescribing a penalty or a course of conduct, conferring a right, privilege, authority or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class or the persons of a locality, as distinguished from named individuals or organizations, is hereby determined to have general applicability and legal effect. Such documents shall be filed in the office of the Director and published in the Federal Register. (Applies sec. 5(a), 49 Stat. 501; 44 U.S.C. 305(a)(2))."

And Section 1.10 of the Federal Register Regulations provides:

> "Document subject to codification. Document subject to codification means any regulatory document which has general applicability and legal effect and which is in force and effect and relied upon by the issuing agency as authority for, or invoked or used in the discharge of, any of its functions or activities."

The style of preparation of documents subject to codification is provided for in subpart H of these Rules. This style is the same as the form of the rules and regulations of the Commission.

19. Accordingly, there is no question that the policy statement here adopted in the form of a report should be separately stated and published in codified form in the Federal Register. The report in its present form may constitute a sufficient statement of the reasons or grounds for such a codified rule, but it cannot under any circumstances be said to comply with the procedural provisions relating to publication provided for in the Administrative Procedure Act and the Federal Register Rules issued pursuant to the Federal Register Act. As such the failure to comply with these statutes and rules raises serious questions as to the validity of any substantive programming requirements now created by the Commission. And further, this doubt only increases the uncertainty of licensees with respect to the matters here presented. Accordingly, I believe that if the Commission is to announce prospective standards, it should proceed to issue codified rules in proper form for the benefit and guidance not only of licensees but the public at large.

20. It seems to me that the Commission is gagging at a gnat when its opinion is confined to the licensee's personal use of his own microphone to advocate causes of the licensee. Since the adoption of the Mayflower

decision licensees in general remained silent and supinely submitted to the Commission; however, many licensees, including network licensees who operate the most valuable radio facilities, selected commentators to do their editorializing for them. In fact, they have commercialized the commentators to positions of power and influence upon public opinion which dwarf the power and influence of any licensee or any group of licensees. In fact, this commentator commercialization has reached the point where newspaper licensee network affiliates carry regular broadcasts which they apparently reject and ridicule as proper news or comment for the newspaper columns. This is all the more significant because the Majority has treated the term "editorialization" as comprehending "news" and "comment". Since the Majority couch the conditions of the licensee's right to editorialize upon terms of "fairness", it is hard to understand why their opinion fails to come to grips with the licensees' standard practice of editorialization through commentators. The Commission files are literally filled with legitimate complaints of unfairness by such professionals, the alter egos of licensees, who have become identified with them over a period of years as inextricably as the trade name of the station or network. The ambiguous doctrine of fairness has never been attached to them; the Commission has never felt it had the power to demand the kind of practice it now asserts against their principals--the licensees--in this decision. And the Majority completely avoids discussing licensee-commentator fairness.

21. In view of the majority decision, the Commission should give special attention to the extent to which the selection of commentators constitutes an aspect of editorialization by licensees. Any appraisal of the realities must take into consideration the fact that licensees in effect editorialize through the mouths of commentators who by reason of their continued use of the facilities make known their views to the licensee and thus broadcast their views with the implied consent of the licensee.6/ The importance of such editorialization is made clear by the special treatment afforded commentary programs. Commentators are known to be associated with particular networks or stations for long periods of time. While the broadcast hour of other types of programs varies from time to time, networks and stations make every effort to leave the broadcast hours of commentator programs unaffected by overall changes in programming schedules. Sponsors may come and go, but the same commentators broadcast at the same hour over the same stations as they have done for years. One wonders whether it is not appropriate to call such commentators mere chattels of the networks or stations. Certainly, they are valuable pieces of radio property. When the voices of such program fixtrues are available to networks and stations, are we to be surprised that the broadcasting industry has suffered in silence the ban on editorialization created by the Mayflower decision?

22. I want to make it clearly understood that in discussing commentators as alter ego editorialists for licensees, the Commission has no more power of

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6/ "When a radio station hires radio commentators and pays them and puts them on, they editorialize on the news, and sometimes not only editorialize on the news, but they give out editorial opinions about every conceivable subject, many of which they don't know anything about." Comment of Chairman Wheeler in Senate Hearing on S. 814 (78 Cong. 1st Session) p. 413.

previous restraint over commentators than it does over licensees in view of the First Amendment and Sec. 326 of the Communications Act. However, I do believe that the Commission has the power to require segregation of objective news from comment and editorialization by commentators and licensees. If fairness to the public is to be the test, then certainly the public is entitled to know what is news and what is opinion from both licensees and commentators.

23. In the first place the Commission must put itself in a position to determine on appropriate occasion the character of editorialization by licensees whether through their own mouths or through the mouths of commentators. It should be realized that at present there is no radio format equivalent to the editorial page of our newspapers. Accordingly, neither the Commission nor radio listeners are in the same position as newspaper readers to identify editorial comment. The problem of labeling is all the more serious in radio by reason of the frequent practice of commingling editorial views with programs dealing with objective presentation of the news. This is especially true in the case of commentator programs. They do not, in fact, constitute merely news broadcasts nor on the other hand do they constitute purely editorial comment. They are rather a combination of editorial opinion based upon so-called factual news stories, which all too frequently result in "loaded" news stories.

24. While there are differences between the programs of different commentators, and there are good commentators and bad commentators, in the main listeners believe that they are being furnished with critical news summaries by all commentator programs. And it is the failure of many such programs to represent themselves as "loaded" news programs that consitiutes the vice herein. While I believe that the Commission cannot under the Constitution and should not in any event prohibit the commingling of such editorial opinion and new stories, nevertheless I believe it clear that it has the authority to require the labeling of editorial comment. Furthermore, that many so-called commentary programs, although not all, are obvious deceits on the listener has been alluded to frequently both in Congressional hearings and by prominent public officials. For example, the use of date lines, indicating that the item about to be read originated in Moscow, Berlin, Singapore or the White House, are transparent falsities to informed persons. Nevertheless, thousands of listeners believe, if letters received in Congress and by the Commission are evidence, that such news items are coming hot over the wire at that instant. Similarly, the use of sound effects lends a false and misleading impression. The Commission might well promulgate standards which will insure honest and factual reporting of news and honest and accurate labeling of what is news and what is opinion. I believe, therefore, that the Commission should, by way of a codified rule and regulation, establish standards for the labeling and identification of editorialization over the air. The Commission should specifically describe in such a rule the exact identifying language and the exact times at which the identifying announcement should be made during the program. Cf., e.f., Sections 3.187 and 3.189 of the Rules and Regulations relating to station identification and announcement of sponsored programs. Such a rule should make clear that in a program where commingling of news and editorial comment is made, that portion of the program dealing with editorial comment should be labeled as such. I do not believe it is sufficient to merely require a general statement that such a program contains editorial comment.

25. The Commission has full power to review charges of continued irresponsibility by specific commentators in broadcasts over the facilities of individual stations. Licensees are completely responsible for the selection of those who regularly use their facilities and therefore when commentators are continually irresponsible, their programs reflect the conscious permission of the licensee to permit such irresponsibility to be a part of the station's programming. Clearly placing the treatment of news commentaries in the hands of persons who continually in an irresponsible fashion present their commentaries cannot be considered consistent with the public interest. Commentators who regularly make statements unsupported by fact and who regularly attack public figures by innuendo, without support in fact, are offering false news to the public. There is no constitutional right to broadcast false news and the broadcast of false news, just as the broadcast of false advertising, is contrary to the public interest. Accordingly, the irresponsibility of broadcasts by commentators of necessity reflects upon the qualifications of the licensee who permits such commentators to regularly use his facilities. 7/ And it is unfortunate that the more shocking the technique of the commentator the more valuable he becomes to the station or network and the less the desire of the network or licensee to rid their programs of the irresponsibility.

26. The Commission's power to take action with respect to the past use of radio facilities for purposes of irresponsibility is clear enough. The Commission is not required to renew licenses of persons who permit irresponsible professional editorialists to broadcast false news and to make continued attacks upon person after person without foundation in fact. Trinity Methodist Church, South v. Federal Radio Commission, 62 F. 2d 850, cert. den. 288 US 599. It should be pointed out that the mere fact that many of the commentators broadcast over the facilities of networks does not place the irresponsibility outside the powers of the Commission. It should be remembered that networks are also licensees. In fact, one of the main arguments networks advance as to the need for network-owned stations in key cities is that such stations constitute a necessary originating source for network programs. Accordingly, to the extent that networks are licensees they are subject to the regular licensing powers of the Commission. Where a network permits the continued use of its facilities by irresponsible commentators, this fact should be considered by the Commission as evidence of the network's lack of qualification to hold a radio station license. Further, licensees affiliated with such networks must be held strictly accountable for irresponsibility broadcast over their facilities even though such irresponsibility is of network origin. Licensees cannot abdicate their responsibility for determinations with respect to the continued use of their facilities by irresponsible commentators whose irresponsibility becomes a valuable commercial asset of the stations involved. Accordingly, the Commission should consider irresponsibility on the part of both the network and the individual licensee with network affiliation in placing responsibility for the reckless statements that are frequently broadcast over the air. In this connection it should be pointed out that in the KFKB Broadcasting Association case, supra, the court approved the action of the Commission in refusing to renew the license of KFKB even though it was found that much of the station's programs were entertaining and unobjectionable in character. 47 F. 2d at 672.

7/ While I recognize that frequently the views expressed in commentary programs are not those of the licensee, I do not believe that a mere disclaimer by the licensee that the views expressed during a program are the views solely of the commentator and not the licensee constitutes a sufficient solution to the problem. For such a disclaimer does not dispel the effect of the selection of that commentator as a person fit to broadcast over a station or network.

DISSENTING VIEWS OF COMMISSIONER HENNOCK

I agree with the majority that it is imperative that a high standard of impartiality in the presentation of issues of public controversy be maintained by broadcast licensees. I do not believe that the Commission's decision, however, will bring about the desired end. The standard of fairness as delineated in the Report is virtually impossible of enforcement by the Commission with our present lack of policing methods and with the sanctions given us by law. We should not underestimate the difficulties inherent in the discovery of unfair presentation in any particular situation, or the problem presented by the fact that the sole sanction the Commission possesses is total deprivation of broadcast privileges in a renewal or revocation proceeding which may occur long after the violation.

In the absence of some method of policing and enforcing the requirement that the public trust granted a licensee be exercised in an impartial manner, it seems foolhardy to permit editorialization by licensees themselves. I believe that we should have such a prohibition, unless we can substitute for it some more effective method of insuring fairness. There would be no inherent evil in the presentation of a licensee's viewpoint if fairness could be guaranteed. In the present circumstances, prohibiting it is our only instrument for insuring the proper use of radio in the public interest.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

In re)
)
Clear Channel Hearings) Docket No. 6741

MEMORANDUM BRIEF ON BEHALF OF
NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

The National Association of Educational Broadcasters is composed of 65 members, which include universities, colleges, and other educational or public service agencies engaged in the ownership or operation of educational or non-commercial broadcasting (R. 383). The membership comes from 24 states and the Territory of Hawaii, and at the present time operates 22 AM and 19 FM stations (R. 5016). Of the 22 AM stations, only four operate unlimited time. The remaining 18 operate either daytime only, or on a share-time basis (Commission Records).

The stations licensed to the members of the NAEB are especially equipped to serve, and in fact, do serve specialized local and regional audiences (R. 6017). The programs broadcast over these facilities include a wide range of subjects, such as, for example, special farm and market reports, classroom lectures, educational talks and discussions on matters of public interest which are not generally carried by other stations (R. 6017). However, the ability of the stations to perform their outstanding and unique service has been circumscribed by the limitations imposed upon the hours during which they may operate. Not only are the hours confined to daytime, but are irregular and vary from month to month. Some of the results of these limitations are to deprive the listeners in the Columbus, Ohio area of concerts by the Columbus Philharmonic Orchestra or

by organizations of the School of Music at Ohio State University, of evening radio courses in adult education, of evening sports and special events at the University, and of an evening farm and home service program (R.6048-6052); listeners in the vicinity of Ithaca, New York, cannot hear the great musicians and and renowned lecturers appearing on the campus of Cornell University, or participate in the activities of the Colleges of Agriculture and Home Economics, or the work of the College of Industrial and Labor Relations (R. 6039); listeners in the heart of Iowa cannot hear WOI farm programs at night which are demanded, as a recent survey shows, by nearly 65% of Iowa's farmers, and other types of programs adapted for the needs of the area (R.6136-6139); listeners in the area of Lansing, Michigan, cannot hear evening programs available from Michigan State College or the various departments of the state government at the capital city of Michigan (R. 6127-6132).

The service offered by Station WOI, Ames, Iowa, is typical of the operations of NAEB stations (R.6134-6141). This non-profit, State supported station devotes itself to the broadcast of educational public service, good music, farm and market information programs. The station subscribes to two national wire news services in addition to the leased wire facilities of the marketing section of the United States Department of Agriculture. For music, Station WOI has available two transcription services and its own library of more than 15,000 records. In addition, it utilizes to a maximum the musical resources and skills of the faculty and students of Iowa State College. Exhibits in this hearing offer conclusive proof that Station WOI renders a unique program service to the state of Iowa, and that there is an overwhelming demand that this program service be made available during nighttime hours (Exs. 397-402). Another

typical station is Station WCAL, licensed at St. Olaf College, Northfield, Minnesota. This station was first licensed in 1922, following the establishment of an experimental station in 1918 at the college (R.6093). Since it has been on the air, it has been the consistent aim of WCAL to present a broadcast service to meet the needs of its service area (R.6096). Its record throughout the years speaks for itself. Today, WCAL devotes a substantial portion of its time to agricultural programs presented in conjunction with local county agents and the University Farm Extension Service (R.6096-6097). Over its facilities are heard the nationally famous choir and other musical organizations of St. Olaf College, and the musical groups of other organizations as they participate in the annual Musical Festival at St. Olaf College (R.6097). From this station listeners may hear educational, religious, and other types of programs unavailable over any other station (R.6097-6099).

The record contains innumerable illustrations of the unique program services offered and proposed to be offered by Station KUOM, licensed to the University of Minnesota (R.6066-6074); Station KOAG, authorized to Oklahoma A and M College (R. 6079-6087); Station WNYC, licensed to the City of New York (R.6101-6111); Station WNAD, licensed to the University of Oklahoma (R.6114-6118); and each of the other NAEB stations scattered throughout the United States.

However, because of the limited time that these stations are now permitted to operate, the listeners in their respective service areas are deprived of this unique program service at nighttime. The record in this proceeding offers a large number of instances in which these stations cannot broadcast forum, music, sports, and other programs for which there is a large demand

nighttime. Moreover, even daytime programs presented during the summer months must be discontinued with the approach of winter and a shorter broadcast day. The experience of Station WKAR is typical. At a time when these programs would be of most value to shippers, Station WKAR had to curtail its early morning broadcasts of market information (R. 6127). The Farm Radio School which used to be broadcast during evening hours, had to be shifted to early morning, and eventually discontinued.

The question naturally arises: What is the rule which prevents listeners in the various cities and states in which NAEB stations are located, from hearing the programs of such unique and local interest during nighttime hours? The answer is: The clear channel doctrine which reserves certain channels for the exclusive nighttime use of only one station in the entire country. Since a number of NAEB stations are licensed to operate daytime only on clear channels, they are required to sign off at local sunset or at sunset at the dominant station. The result is, for example, that Stations WOI, Ames, Iowa, and WNAD, Norman, Oklahoma, cannot operate at night because of protection afforded to the signal of Station KFI, Los Angeles, California, in areas hundreds of miles from Los Angeles. Stations WHCU, Ithaca, New York, and WKAR, East Lansing, Michigan, cannot operate at night because they are required to protect the signal of Station WWL, New Orleans, Louisiana, hundreds of miles from New Orleans. Stations WCAL, Northfield, Minnesota, and KUOM, Minneapolis, Minnesota, cannot operate nighttime because they protect the signal of Station WJZ, New York City, hundreds of miles from New York. Station WOSU, Columbus, Ohio, cannot operate nighttime because of protection afforded to the signals of stations in Fort Worth and Dallas, Texas, in areas hundreds of miles from both of these cities.

The NAEB does not take the position that clear channel assignments, as such, are not in the public interest. They may be necessary in order to insure a satisfactory signal in some rural areas which must depend largely upon distant stations for radio service. NAEB, however, is of the conviction that the clear channel rule should be administered in accordance with the purpose for which it was established -- to insure adequate program service to rural audiences. Each clear channel should be examined to determine the extent to which duplicate nighttime operation would result in loss of existing service to primary and secondary areas. The nature of the program service offered by the dominant station to these areas should be examined to determine the extent -- if any -- to which it serves the needs of the areas hundreds of miles away from the station and this should be compared to the availability of other signals and program sources available to the areas affected (R. 6019-6020). In fact there have been no complaints of interference by the operation, under a special service authorization (R. 6110), of one of these daytime only stations at night.

In determining the extent of interference from another station on the channel, the interfering signal should be based on the present location of all NAEB stations now operating daytime or part-time only (R. 6028). This class of stations, more than any other, is in need of additional hours of operation in order to present its unique type of program service, particularly to rural listeners. Insofar as it is feasible from an engineering standpoint, these stations should be permitted to meet the local and rural needs of their radio audiences at night just as they now do during the day (R. 6019). The program service offered by each particular NAEB station on the channel should then be compared to the effect its nighttime operation would have on the areas where there may be audiences now receiving service from the dominant station, so that on a <u>comparative</u>

basis in each case, a proper decision may be made as to whether the public interest would be better served by permitting such duplicate operation (R. 6035).

In this connection, it is the contention of the NAEB that program services should be correlated as much as possible to the particular local needs of the area in which a station is located. The operations of NAEB stations are specially geared to fulfill this function.

The programs of clear channel stations which would be subject to interference by the simultaneous operation of an NAEB station nighttime, are not of particular interest to the listeners residing in the areas of interference. Listeners in these areas necessarily rely upon stations located in their immediate vicinity for news, market, weather, other items of information, and general entertainment programs — network and non-network. A clear channel station located hundreds of miles away cannot serve this function. Just as it is impossible for metropolitan newspapers to effectively cover the needs of particular rural areas hundreds of miles away, it is impossible for a clear channel station in Los Angeles, for example, to broadcast farm news of local interest to rural listeners in other states. This is evident from merely inspecting a recent map of the Bureau of Agricultural Economics, Department of Agriculture, which shows the diversity of agricultural pursuits in the various states (Ex. 384). Granted that clear channel stations do provide some general form of program service to distant areas, it is submitted that the public interest would better be served by permitting an NAEB station to serve its own area with its unique type of service at the cost of depriving some clear channel station of a comparatively small number of listeners in dirtant areas of a general type of program service, particularly when such listeners have available to them programs from other stations closer to them.

In reaching its conclusions in this matter, the Federal Communications Commission is urged to consider the unique public service rendered by educational and non-profit stations and the principle that the resources of American educational institutions should be available to the citizens which support them. The quality of program service should be the determining factor, rather than the technical and arbitrary yardstick of protecting the coverage of clear channel stations to unreasonable limits. Upon this basis, there would be an improved broadcast service to the rural audiences, with programs designed to meet their special local needs. This proceeding could not achieve a more worthy goal.

Respectfully Submitted,

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

by_____

Marcus Cohn
Cohn and Marks
1420 New York Avenue, N. W.
Washington 5, D. C.
Its Attorney

January 9, 1948

AFFIDAVIT OF SERVICE

CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

Katherine Frank, being duly sworn upon oath, deposes and says that she has on the 9th day of January 1948 sent b regular United States mail, postage prepaid, a copy of the fore-going Memorandum Brief to the following:

Louis G. Caldwell, Esq.
Clear Channel Broadcast Service
914 National Press Building
Washington, D. C.

Paul D. Spearman, Esq.
National Broadcasters' Committee
Munsey Building
Washington, D. C.

_____
Katherine Frank

Subscribed and sworn to before me this _____ day of January, 1948.

_____
Notary Public

My commission expires 12/14/51.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

A STATEMENT BY RADIO STATION WOI, AMES, IOWA,
owned and operated as a part of the
IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS

Prepared for presentation at the Clear Channel Hearings
Docket #6741 - October 30, 1947

My name is Richard B. Hull. My title at the Iowa State College, by whom I am employed, is "Director of Radio." My duties include those of supervising and managing radio station WOI and directing the development of WOI-FM and WOI-TV. I have been associated with WOI in the several capacities of announcer, news editor, production manager, program director, and Director for a total period of more than 7 years. For 3 years I acted as Agricultural Extension Radio Specialist for the University of Minnesota, and during two other periods did both general and farm broadcasting for WOSU, University of Ohio and KOAC, Oregon State College. I was born and raised in Iowa and am familiar with its people, the general economic and social problems of the area, the broadcasting services furnished to and desired by the people.

Station WOI is owned and operated as a part of the Iowa State College of Agriculture and Mechanic Arts. It receives its funds from general State taxation. The College is responsible to a President who reports to a Board of Education appointed by the Governor of the State. Established in 1921 and in continuous operation since 1922, WOI sells no commercial time, devotes itself to educational and public service programs, good music, farm and market information for the world's richest agricultural area. WOI uses the 24 hour services of United Press, Associated Press, and the complete leased wire facilities of the marketing section of the United States Department of Agriculture.

WOI uses the transcription facilities of the World Broadcasting System, Standard Radio, and its own library of 15,000 phonograph records which are primarily of a classical nature. WOI draws on the resources and skills of more than 500 faculty members of the Iowa State College and thus makes them available to the listeners of the station.

WOI operates on 640 kilocycles with 5000 watts from local sunrise to local sunset. A special service authorization permits the station to sign on the air at 6:00 AM to provide important early morning service to Iowa farmers. WOI ceases its operations at sunset in order to avoid alleged interference with station KFI, Los Angeles.

WOI previously presented testimony in these hearings on April 26, 1946, in which we urged the Commission to consider more fully, not only the interests of this station, but those of all the educational non-commercial stations in the U.S. when decisions are rendered on the issues in this hearing. At that time we pointed out that a station should be assigned its power and wavelength not only on the basis of non-interference with other stations, but primarily on the basis of (1) its geographical location or area and (2) the nature and number of population in that area, their basic needs and wants, and the ability of the licensee to serve them.

We testified then and wish to supplement and add to that testimony now new evidence to demonstrate the peculiar ability of an educational station such as WOI to serve these wants, and the acceptance and desire of the audience so reached for this service. WOI at that time pointed out the great handicap and the limitations to effective service which is needed by its radio audience as long as the FCC continues to prevent it from serving the people of its listening area at night. At that time we also showed in a study made by Iowa State College that nearly 65% of Iowa farmers wanted farm programs at night.

WOI believes the success and acceptance of its present daytime service, as evidenced by the following exhibits, is a good indication of the need and want for an extension of its general program schedule during the evening hours:

Exhibit A — A photostat of the Broadcast Measurement Bureau Day Time Audience (Study #1, May 1946) is generally in accord with studies by WOI and the Iowa Radio Survey of 1946 conducted for WHO, Des Moines. It is intended to show general audience acceptance and station coverage.

Exhibit B — A Broadcast Measurement Bureau Reprint giving the station audience report by counties and cities shows a WOI daytime audience of 189,260 radio families in the states of Iowa, Minnesota, Missouri, South Dakota, and Wisconsin.

WOI believes the interest in and need for complete and up-to-the-minute market news, which it is peculiarly equipped to provide, has increased manyfold since October 15, 1946, when farm product price controls were lifted. We submit as evidence that WOI is meeting that need, a list of market service programs and a sample cross-section of listener remarks.

Exhibit C — WOI further believes its responsibility does not end with supplying economic and factual material to its rural listeners but includes also the duty of providing good music and public service programs. As an indication of the need and want for this program material at night by WOI listeners we submit a copy of an announcement used on a musical program, and a cross-section of the responses received from listeners objecting to the discontinuance of the program when the sunset sign-off came into effect last August.

Exhibit D — WOI offers as further evidence of need and desire on the part of its audience for nighttime broadcast service two letters:

Exhibit E — Letter from Western Grain and Feed Association

Exhibit F — Letter from Farmers Grain Dealers Association of Iowa

WOI does not believe any substantial practical interference would occur to the disservice of either WOI or KFI listeners, who are nearly half a continent apart, or the so-called area of interference for the most part which has listeners who in general depend on other stations than either WOI or KFI, if WOI operated at night. WOI further believes the regional disparities and the regional needs are sufficiently diverse in the areas served by the two stations that the primary consideration becomes service to the natural socio-economic needs of the people who reside within and adjacent to the primary areas of either station.

Exhibit G — Counties and cities within the KFI protected area who do not receive KFI according to the Broadcast Measurement Bureau Area Report, 1946, and alternative services available to these counties and cities as shown by Broadcasting Year Book Directory, 1946.

We urge the Commission to reconsider its present Rules which prevent more than one station — irrespective of its location or service — to operate on a Class I A Clear Channel at night. We believe that no harm will come to KFI if WOI operated at night. What is more important, we believe that no listeners will be deprived of service which they need if the two stations operate simultaneously during the nighttime hours.

"THE OLDEST STATION IN THE NATION" WHA UNIVERSITY OF WISCONSIN — MADISON

January 12, 1948

Mayflower

Mr. Richard B. Hull
Radio WOI
Ames, Iowa

Dear Dick:

You're doing a fine job on those News-Letters! More power to you. I hope you get the kind of cooperation you should have from the members - in the way of news items.

Just to keep things rolling I'm enclosing stories you may want to use next time.

Enclosed is a copy of our 1948 radio report to the faculty. You may want to lift from it such portions as make News-Letter fodder. It is rather a good summary.

After reading that Mac and I are doing something about the Mayflower case statement I tried to recall some background on the assignment. Mac couldn't either. What are we supposed to do, and when? We really haven't followed it very closely and it will mean research into background sources before we can even talk intelligently about it. We know, of course, the press reports on it - but don't trust certain areas of the trade press!

Your new NAEB application form really gets down to details. Do you plan another form for associate members, or individuals? Send me a few application blanks. Perhaps I can muster up some Teachers College interest.

Cordially,

Harold

Harold A. Engel
Assistant Director

HAE:jh
encl.2

January 17, 1948

Mr. Harold A. Engel
Assistant Director
Radio Station WHA
University of Wisconsin
Madison, Wisconsin

Dear Harold:

Thanks for your letter of January 12 and your generous comments on the News-Letter. I especially appreciated your enclosures. They are a great deal of help.

You gentlemen certainly turned out an excellent 1948 radio report. I found it to be of great help in making out our own annual statement.

On the "Mayflower" case, this is roughly the situation:

(1) I wish you would act as co-chairman on the matter.

(2) Will you hold any official acts until I get final pleas from the University of Illinois and Novik in New York.

(3) I have written them asking for suggestions on experts in the field who might be willing to contribute or advise. I mentioned such names as Sieckmann at NYU, Morris Ernst, author of "The First Freedom Up", Mitchell CHARNLEY Journalism Department, University of Minnesota, Fred Siebert, Journalism Head, University of Illinois.

(4) I have written Wilbur Schramm, Assistant to the President at the University of Illinois, an expert in the field of communications, asking for similar advice. Schramm himself might be the man to head up the testimony. He was formerly head of Journalism at the University of Iowa and is well and widely known through both educational and commercial circles.

(5) For relationship reasons and other suggestions, I have also written Frank Schooley.

(6) I am filing Monday a request for an NAEB appearance in the "Mayflower" hearings.

(7) I have suggested to Schramm and I think to you that a meeting in Chicago be arranged to prepare the final statement or brief which will be used.

(8) I personally feel the freedom-of-the-press report at Chicago has most of the stuff we want to say in it. This, however, may be a matter of opinion.

(9) Perhaps you gentlemen are better contacted than I at Chicago and could suggest aid, comfort, and advice sources from that institution.

(10) I will bundle up all of the supplies as soon as I get them and turn them over to you.

I hope shortly to submit for your suggestions and approval, as well as all regional committees', a suggested plan of organization, policy, and regional and national operation for NAEB.

I am enclosing a supply of application blanks. Please tell me if you need more. Your idea of mustering up teachers college interest is fine. Please feel free to comment, criticize, or suggest to your full ability, Harold. It is my own feeling that continuity and experience should be passed along in NAEB some way and in a great many ways, you and Mac and WHA represent the fountain head and center of educational operations in this country.

When you have an opportunity, advise me on your plans for the Wisconsin Institute this summer. I plan to come myself and bring several staff members. Also, will both you and Mac give thought to ways and means, not only for a successful mid-year NAEB meeting at the Columbus Institute which will get us down to brass tacks, but also some way of presenting the NAEB to the whole Institute as the active practioners of America's minority radio.

Give me your frank opinion as to whether or not I will be overstepping the bounds of modesty and practicality if I ask Tyler for the privilege of making a personal speech at one of the general sessions--something along the line I gave at Chicago, only with specific "How to Do It" items and "What Has Been Done" items.

Best regards.

Yours sincerely,

R. B. Hull
President

RBH:rmm

Staff meeting
re Docket - Monday 3-1-48

PUBLIC NOTICE
17078
February 13, 1948

FCC 48-456

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D.C.

In the Matter of)
)
Editorialization by Broadcast)
Licensees) Docket No. 8516

PROPOSED ORDER OF TESTIMONY

The hearing on the above entitled matter will commence on March 1, 1948, in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between 13th and 14th Street, N. W., at 10:00 A.M. It is planned to have the witnesses appear in the order listed below. Any person who desires to appear and whose name does not appear on the list below or who desires to appear at some other time or in some other order other than listed below, should get in touch with the General Counsel of the Commission, Mr. Benedict P. Cottone.

American Broadcasting Company
Columbia Broadcasting System
National Broadcasting Company
Yankee Network
Straus, Nathan (Station WMCA)
Sexton, Morgan (Station KROS)

Mason, Robert (Station WMRN)
Chicago Federation of Labor (Station WCFL)
Cornell University.....(Station WHCU)
United Automobile Workers, CIO
Voice of Freedom Committee
Communication Workers of America
Carson, Saul

American Civil Liberties Union
Siepmann, C. A.
Novik, M. S.
Pierson, Theodore
American Jewish Congress
AMVETS

Congress of Industrial Organizations
Ernst, Morris L.
Farmers Union of America
American Veterans Committee
Institute for Education by Radio
Chester, Girard

Cooperative League, U.S.A.
American Federation of Labor
Iowa Association of Radio News Editors
American Council of Christian Churches
Advertising Federation of America
Revere Racing Association

Committee for Constitutional Government
Progressive Citizens of America
Committee to Insure Non-Partisan Radio
Radio Writers Guild
American Federation of Radio Artists
Joint Religious Radio Committee

American Jewish Committee
Radio Directors Guild
National Association of Radio News Directors
Radio and Television Broadcast Engineers Union
National Association of Broadcast Engineers and Technicians
National Association of Educational Broadcasters

Association of Broadcast Unions and Guilds
American Federation of Musicians
American Association of Theatrical and Redio Press Agents

FM Association
National Association of Broadcasters

Craven, T. A. M. (Station WOL)
Station WGN
Cushman, Robert E. (Station WHCU)
Lottridge, Berl (Station WOC)
Hardy, Ralph (Station KSL)
Miller, Phil

Quarton, William (Station WMT)
Scripps, William J. (Station WWJ)
Siebert, Dr. Frederick
Vadeboncoeur, E. R. (Station WSYR)
Waldrop, Frank
Loudermilk, Ronnie

To: Dick Hull

From: Red Fox

IOWA STATE COLLEGE
Interoffice Communication

Date: Feb 23, 1948

You might like this reference.
A survey showed that people, asked what media they rely on most in forming their opinions, said:

1 Newspapers	58%
2 Radio	41%
3 Books	13%
4 Magazines	8%

Dean Waly found this in Public Opinion Quarterly Vol 11 No 4 Winter 47-48

Different from other surveys.

MARCUS COHN
LEONARD H. MARKS
SAMUEL MILLER

LAW OFFICES
COHN AND MARKS
517-519 EVANS BUILDING
WASHINGTON 5, D. C.

TELEPHONE
DISTRICT 6160

February 18, 1948

Mr. Richard B. Hull
Station WOI
Iowa State College
Ames, Iowa

Dear Dick

I am herewith enclosing a copy of the Commission's Order announcing the order in which people will testify on the Mayflower decision. You will note that the NAEB is scheduled to appear on the 7th day after the hearings begin.

Have you come to any conclusion as to what you propose to do?

Sincerely

Marcus Cohn

Encl.

PUBLIC NOTICE
17078
February 13, 1948

FCC 48-456

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Washington 25, D.C.

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Congress of Industrial Organizations
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Chester, Girard

Over

Cooperative League, U.S.A.
American Federation of Labor
Iowa Association of Radio News Editors
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Advertising Federation of America
Revere Racing Association

Committee for Constitutional Government
Progressive Citizens of America
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Scripps, William J. (Station WWJ)
Siebert, Dr. Frederick
Vadeboncoeur, E. R. (Station WSYR)
Waldrop, Frank
Loudermilk, Ronnie

Mayflower Hearings

1. The problem is monopoly. If this is the problem then the FCC should continue the controls.

2. There is little real competition from educational stations. Perhaps the strongest competition in the world to commercial stations from educational stations exists ~~XXXXXX~~ in Iowa from WOI.

3. The National Association of Broadcasters in their "defense" of free speech have set up a straw man.

4. The existing rules(re. the Mayflower & editorializing)some feel are alright.

5. Stations as a whole raise hell????

6. In general in mass media the liberals are shut-up and the reactionaries are loud.

7. So long, says our reporter, as near monopoly or monopoly exists then rule is good.

8. Actually educational stations are controlled by the same attitudes as those which control commercial stations(look at the source of money and the necessity --perhaps to a lesser extent--not to offend the public)

10. One distinguishing factor (radio from press)is time factor. Not only the duration of the message, and the fact it is not repeated, but the time of exposure from a scheduled day which is available to the listener.

a)This creates a responsibility a newspaper doesnot have.

~~XXX~~ b)the factor of voice and the conviction it carries imposes a further responsibility.

11. The "set-up" with the printed page makes for lack of freedom of speech. Look at the liberal voices which have been stilled--the Nationa, the New Republic, PM, etc.

12. We can argue freedom of(printed)speech is hindered by the limitation of liberal speech. The job is to get <u>all</u> significant points of view out and diffused.

13. The limitation of cost is a serious limitin factor to freedom in both radio and print.

14. The conclusions of self-cleansing or government control are inescapble. We do not want a movie zar type of censorship either.

15. Fallacy of licensing of the press

16. The important thing now is for all people to be reached. Real freedom consists of keeping open the avenues of information.

17. Monpology has come under the guise of freedom of speech.

NAEB Mayflower

W+G — Thomas + Hyde

AIRMAIL SPECIAL DELIVERY February 28, 1948

Mr. Marcus Cohn, Attorney
517-519 Evans Building
Washington, D. C.

Dear Marcus:

This letter is to tell you that the National Association of Broadcasters has decided to withdraw from appearances in the so-called "Mayflower" hearings before the FCC.

This, as you well know, is an extremely complex issue or sequence of issues. Apparently there are sufficiently varying points of view within the NAEB membership so that a joint statement would not be readily feasible.

After conversations and correspondence with people at the University of Minnesota, the University of Illinois, including Harold Engel, Harold McCarty, Frank Schooley, Wilbur Schramm, and many others, it appeared wiser to withdraw.

The public notice of the FCC regarding this hearing, giving the order of testimony indicates that such people as Nathan Straus of WMCA, the WC MP
Institute for Education by Radio, C. A. Siepman, The American Civil Liberties Union, and others together with several of our own members such as WILL (University of Illinois), WHCU (Cornell University) and Norris Novik, NAEB Secretary have filed for appearances.

It would appear that the basic tenets of our composite points of view will be represented whether or not the organization appears itself--and--as we previously discussed it--unless unanimity is present, it is likely to detract, not add to NAEB stature.

Sincerely,

Richard B. Hull
President - NAEB

RBH:mp
cc: All NAEB Officers
All NAEB Directors
Edwin Nelson, WHCU (AER liaison)
Wilbur Schramm, Institute Communications, Illinois University
Harold Engel, WHA, University of Wisconsin

February 28, 1948

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

This is to inform the Commission that the National Association of Educational Broadcasters is formally withdrawing from the hearing in the matter of "Editorialization by Broadcast Licensees."

After conversation and correspondence with various NAEB members throughout the United States, it would appear there are several different points of view on the matter of editorializing, and hence the organization cannot make a common statement for all concerned.

Several of the NAEB members are appearing individually, and through them our composite point of view will be represented.

Speaking for the National Association of Educational Broadcasters and for those everywhere whose concern is for free men in a free world, for free exchange of information, and for dissemination of truth and understanding, we do wish to underscore and reiterate our concern--

"That while in theory--and perhaps in fact--the broadcaster should have equal rights with the press to "free speech" that with this power goes responsibility."

"That the structure of radio is such that a very few thousands of men necessarily exercise great power on the minds and the emotions of millions of citizens. Radio, using as its major tool the human voice, nearly always conveys to its listeners, a sense of authenticity which may or may not be justified in fact."

"That radio stations are licensed in the public interest, convenience, and necessity, and by the laws of the United States, the facilities they use are the properties of the citizens of this country. Each licensee holds a temporary franchise on a portion of the public domain--that portion of the radio spectrum which he uses."

"That true freedom of speech, is a vital American heritage which must above all be preserved in these days of fear and suspicion, and prejudice. It is more important than ever that men be free everywhere to speak their minds and hearts and that reason and fact--and not emotion and prejudice--hold sway."

"Freedom of speech, however, is not freedom to lie or to distort. Editorializing means more and not less responsibility. Free speech requires not only that men be free to speak their minds but that they, in this 20th century of mass audience, have access to technical facilities to speak their minds."

"That those who sit in the studios and master control rooms of our stations and networks must never forget their status is a trustee. By virtue of his great degree of control over this major means of mass communication, the broadcaster speaks more loudly than any single citizen. He must not use this privilege to shout the citizen down. And, if as a trustee, he betrays this trust, then he has made mockery of that privilege he has fought to gain, and should bear the consequences."

"That this and the other freedoms are fed and preserved on principle and concern for the common welfare, and not by additional rules and regulations—that censorship is always vicious and bad--that the broadcasters who seek the right to editorialize and who now maintain that the FCC is violating their constitutional rights, must well remember, if the privilege becomes theirs, the burden of protecting free speech has then become <u>their</u> major trust. They will have then become not seekers and supplicants, but administrators and stewards."

Yours sincerely,

Richard B. Hull, President
National Association of
Educational Broadcasters

RBH:mp

cc: All NAEB Officers
All NAEB Directors
Edwin Helman, WBOE
Wilbur Schramm
Harold Engel, WHA

Ditto copy to: All NAEB members

Radio Station WOI
Iowa State College
Ames, Iowa

VARIETY

154 WEST 46th ST., NEW YORK 19, N. Y.

January 28, 1948

Dear Reader:

Herewith is editorial which appeared on page 27 of the January 28th Variety.

LOOKING FOR TROUBLE?

Broadcasters are divided, and understandably, on the tricky, involved and dangerous matter of taking an "editorial" stand. This involves the right of a station licensee to behave like a newspaper publisher.

It's easy to argue in theory that the broadcaster has or should have such an equal right to "free speech," but it's not so simple as it seems, for the FCC's Mayflower decision of 1940, which still stands as the basic guide, was written in reaction to the abuses of editorializing by the Boston stations of John Shepard, 3rd.

Shepard was up to his eyebrows in politics, and Massachusetts politics aren't pretty. In using his Government-granted franchise to advocate his viewpoints as to men and issues, Shepard became a potent political power not by entering politics or running for office but by shouting from the platform of a radio license.

The pros and cons of the Mayflower decision still echo, and further hearings on this very matter are due in Washington this spring. One party of radio men contends that they ought to have freedom to editorialize, and they wish this right recognized even though some of them frankly do not intend to use it. For this is the rub. As a businessman obliged in self-interest not to antagonize listeners, a station operator cannot easily rush in, indifferent to consequences. It's believed in Washington that the motivation of some broadcasters is not to exercise the privilege of advocacy, but to force the FCC to abandon its explicit and implicit control over editorializing.

Clearly this issue is emotional as well as intellectual. Certainly no snap solution is possible, but caution is justified because in the past the record is decorated, back to the mid-twenties, with examples of dubious use of the editorial privilege by broadcasters who, the

VARIETY

154 WEST 46th ST., NEW YORK 19, N. Y.

minute they stop thinking and operating impartially and begin indulging in their own political, social, religious and other bents, are likely to be all too human.

If the industry won a privilege which thereafter was extensively abused, it might be a victory to regret. Perhaps it would not be extensively abused, but if a reversal of the Mayflower dictate opened up new opportunities for even a few station alliances with clever demagogs the injury to radio as a whole might be considerable.

Have the broadcasters so soon forgotten Franklin Ford, Charles Coughlin, Judge Rutherford, Bob Shuler, Leland Bickford, et al.?

What do you think? Let's hear from you.

Sincerely,

George Rosen

George Rosen
Radio Editor

NAEB - Mayflower Case (file)

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PRESIDENT
RICHARD B. HULL
WOI, Iowa State College
Ames, Iowa

VICE-PRESIDENT
JOHN DUNN
WNAD, University of Oklahoma
Norman, Oklahoma

TREASURER
W. I. GRIFFITH
WOI, Iowa State College
Ames, Iowa

EXECUTIVE SECRETARY
MORRIS S. NOVIK
Room 5052, Rockefeller Plaza
New York, N. Y.

EXECUTIVE COMMITTEE

☆

Region I
SEYMOUR SIEGAL
WNYC, Municipal Broadcasting System
New York, N. Y.
Maine, New York, Connecticut, New Hampshire, Massachusetts, Vermont, Rhode Island, Pennsylvania, New Jersey, Delaware, and Maryland.

Region II
GRAYDON AUSMUS
WUOA, University of Alabama
University, Alabama
Virginia, West Virginia, Alabama, Kentucky, Tennessee, North and South Carolina, Georgia, Florida and Mississippi.

Region III
FRANK E. SCHOOLEY
WILL, University of Illinois
Urbana, Illinois
Ohio, Michigan, Indiana, Illinois and Wisconsin.

Region IV
CARL MENZER
WSUI, University of Iowa
Iowa City, Iowa
Iowa, Minnesota, North and South Dakota, Nebraska and Wyoming.

Region V
RALPH W. STEETLE
WLSU, Louisiana State University
Baton Rouge, Louisiana
Missouri, Kansas, Colorado, New Mexico, Oklahoma, Arkansas Texas and Louisiana.

Region VI
WILLIAM H. SENER
KUSC, University of Southern California
Los Angeles, California
Montana, Washington, California, Idaho, Oregon, Nevada, Arizona and Utah.

January 6, 1948

Dear Dick:

You needn't be ashamed of the current Newsletter. It certainly is voluminous. My suggestions are:

1. Why put on "December 20"? It could easily have carried a December 31st or January 1st date.

2. The list of important items covered is a very good one, except how about putting the page number next to it, or dividing them into certain categories, as you did anyhow? Then if you are going to divide them and number the pages accordingly, as you did on the FCC Commission material, when you start the next category (Commercial Radio Forecast For France) the section ought to be listed; otherwise page two, with membership applications and page three, Mayflower Hearing Postponed, doesn't make sense. I think page two should be a section by itself so that the members can turn to it without having to look over everything else.

3. How about underlinging some of the material like SCHEDULE OF EXPIRATION OF APPLICATIONS or NEW OFFICE OF EDUCATION BOOKLET? That's stuff they want to see at a glance.

But, by and large, with these minor details, it's tops. I hope you are able to get some help in assembling the material and aren't overworking yourself.

Sincerely,

Mr. Richard B. Hull
President - NAEB
Station WOI
Iowa State College
Ames, Iowa

P.S. By the way, on the Mayflower business box, you missed one point. Shepherd wasn't just broadcasting the "frankly editorial views of the owners" - he was broadcasting the frankly editorial and his own highly controversial opinion of candidates at the height of a political campaign, without the other side receiving comparable time. That is a very definite violation and so stated in the Communications Act. And that's one point where everyone goes off base on the Mayflower decision. MSN

INSTITUTE OF COMMUNICATIONS RESEARCH

THE UNIVERSITY OF ILLINOIS + URBANA

January 23, 1948

Mr. Richard B. Hall
Station WOI
Ames, Iowa

Dear Dick:

I am under the impression that I have already cleared up your grade for the course on which you wrote about "serious radio". I shall check it at once. Let me delay answering your question about the Mayflower hearing until I have a chance to talk it over with Fred Siebert.

With very best wishes, I am

Sincerely yours,

Wilbur Schramm

UNIVERSITY OF ILLINOIS
URBANA, ILLINOIS

RADIO STATION WILL

JANUARY 23, 1948

MR. RICHARD B. HULL, PRES.,
WOI, IOWA STATE COLLEGE
AMES, IOWA

DEAR DICK:

I AM GLAD TO KNOW THAT NAEB IS MAKING AN APPEARANCE BEFORE THE FCC IN THE "MAYFLOWER" HEARING. PERSONALLY, I HOPE NAEB CAN AGREE WITH THE NAB POINT OF VIEW AT THE HEARING. IT'S THE MATTER OF PRINCIPLE INVOLVED, BUT IF IT COINCIDES WITH THE NAB VIEWPOINT, FINE. SIEBERT HAS NO OFFICIAL CONNECTION WITH NAB, BUT IS FREQUENTLY CONSULTED BY THE BOYS IN THAT GROUP.

HOWEVER, I THINK WHAT SHOULD BE SAID IN THIS HEARING IS PURE AND SIMPLE. EDITORIALIZING ON THE AIR SHOULD BE PERMITTED.

SINCERELY YOURS,

Frank

FRANK E. SCHOOLEY
ASSISTANT DIRECTOR

FES:MW

January 28, 1948

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Post Office Building
Washington 25, D. C.

Dear Mr. Slowie:

The National Association of Educational Broadcasters respectfully requests that time be assigned to make a brief statement in the forthcoming hearings before the Federal Communications Commission on the matter of editorializing in connection with the "Mayflower" case.

Any information or advice which you may be able to furnish us as to when we should appear, how long a statement the Commission would welcome and any formalities we should pursue will be most gratefully appreciated.

Yours sincerely,

Richard B. Hull
President

ih

COPY

NEW NAEB Board - unless you have one yr "Mayflower" case

NAEB Mayflower

18095
PUBLIC NOTICE
February 26, 1948

Before the
Federal Communications Commission
Washington 25, D.C.

In the Matter of
Editorialization by Broadcast Licensees

DOCKET NO. 8516

PLACE OF HEARING

The hearing on the above entitled Matter will be held on March 1, 1948, at 10:00 A.M. in Hearing Room A, Interstate Commerce Commission, Constitution Avenue, between 12th & 13th Streets, N. W., Washington, D. C., instead of the location previously announced.

Sessions scheduled for March 2 - 5, 1948, will be held in Conference Room B, Interdepartmental Auditorium, Constitution Avenue, between 13th & 14th Streets, N. W., Washington, D. C. as previously scheduled.

FEDERAL COMMUNICATIONS COMMISSION

T. J. Slowie
Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In the Matter of	)	
	)	
Editorializing by Broadcast Licensees	)	Docket No. 8516
	)	

STATEMENT OF M. S. NOVIK, PUBLIC SERVICE RADIO CONSULTANT, NEW YORK, NEW YORK

Mr. Chairman and Commissioners, my name is Morris S. Novik and my address is 630 Fifth Avenue, New York City. I am a Public Service Radio Consultant. Although in my professional capacity I represent some labor organizations, some commercially operated radio stations, am Executive Secretary of the National Association of Educational Broadcasters, and am also the President of a corporate applicant for a standard broadcasting station, I want to make it clear at the outset that I am not testifying on behalf of any of these groups. I appear and testify as an individual and the views which I express are my own.

Since 1932, when I first became associated with radio broadcasting, I have been directly concerned with the subject matter of this hearing. From 1938 to 1946 I was the Director of the Municipal Broadcasting System of the City of New York, the licensee of WNYC and WNYC-FM.

Perhaps the best way for me to summarize the position which I take in this hearing is to state at the outset that I think this very hearing, the wide variety of opinions expressed here and the free discussion of the problems illustrate the basic solutions of the issues raised by the Mayflower decision.

Contra-wise, I haven't heard of any one radio station or network which has placed its microphones before the witnesses and the Commission in this hearing room (as has been done at other non-radio Congressional hearings) in order to bring to its listeners the different points of view expressed here on these basic, vital and important issues.

Thus far, the witnesses who have appeared here have assumed that the Mayflower decision prohibits a licensee, as such, but no other person from using the licensee's microphone, for the purpose of editorializing. Innumerable witnesses who have appeared here have referred to the phrase from the Mayflower decision which reads: "The broadcaster cannot be an advocate." I submit that the interpretation given to that phrase by most of the other witnesses is narrow, illogical and unreal.

First of all, let us remember that in that decision the station that was involved did not editorialize through the presentation of the licensee himself, but rather through a paid employee -- an editor-in-chief of the station's news department. I submit that it would have made no difference in the result of that case, or in the language used by the Commission in that opinion, if the views had been expressed not by a paid employee, but by an independent contractor, a person who drew no pay or salary, or by the licensee himself. When the Commission spoke of a broadcaster not being an advocate, it seems to me that the use of the word "broadcaster" was not intended to be limited to mean the licensee himself standing before a microphone. The word "station" should have been used instead of the word "broadcaster". <u>A station cannot be an advocate</u>.

I had always assumed that not only were stations prohibited from being advocates, but that there was some Commission rule, regulation or decision

which made it incumbent upon stations, when presenting a program which took one side of a controversial issue, also to present opposing points of view. To my amazement, in proparation for this hearing, only tho other day -- for the first time -- I found that no such rule or regulation, in fact, existed. There is, of course, the limited Congressional mandate which requires stations to treat all political candidates on an equal basis -- but even here, the station, once having presented the views of one political candidate, has no obligation to urge a competing candidate to use the station's facilities on the same basis as his opponent. All the Act does is to protect the competing candidates and to prevent discrimination.

In my judgment there is basically no difference between the rights and obligations of a station in the presentation of (1) an editorial, (2) one side of a controversial issue by someone other than the licensee or (3) a political speech. I think that all three of these types of programs are made from the same basic fabric. The rights and obligations which stations have in their presentation of these types of programs are the same. The persons standing before the microphone in each of the three cases may be different; the method of presentation may be different; the frequency of the broadcasts may vary -- but essentially there is no difference in the station's rights and obligations in the presentation of these programs.

In my view, the question of whether a licensee has a right to editorialize, cannot be considered in a vacuum. It must be considered as an integral part of the whole problem of fair, impartial and equal treatment in the presentation of conflicting concepts in the market place of ideas. The licensee's views are no better or worse than those of the licensee's news editor or the

voluntary or invited speaker on a controversial issue. The licensee's views deserve no better or worse treatment than those of any one else who may use the station's facilities. The licensee, when he uses the station's facilities, should have the same obligations as any other speaker. I am against discrimination in the world of ideas -- irrespective of their source.

I am in agreement with the spirit and intent of the basic philosophy which lies behind the Mayflower decision. The only criticism that I have of the decision is its vagueness. I would like to see the Commission clarify it and put to rest, once and for all, the discussions of the decision which have needlessly plagued the industry since January 1941. It seems to me that the real issue involved is not revocation but rather clarification and elaboration. In fact, the principles upon which the decision is based are not revocable -- at least, not by the Commission, under its present mandate of Congress to license stations which will serve public interest, convenience and necessity. In my opinion, when the Commission issued the Mayflower decision it did nothing which was new or novel. It did not promulgate a new rule. The decision is only a reminder of the historic role of radio in our democratic country where privately owned stations, using a public commodity have to operate in the interest of all. I fail to see how a revocation of the reminder could change anything in the fundamental law which requires broadcasters, under the Communications Act of 1934 to operate in the "public interest, convenience and necessity."

One can't mention these words without hoping that when the Commission resolves the issues involved in this hearing, it will restate in clear and simple language what is meant and implied by this phrase. A study of the intent of Congress at the time the phrase was placed in the Act would go a long way in clarifying some of the very issues involved in this hearing.

An understanding and rereading of the original discussion when the Communications Act was in Committee, and a rereading of the Congressional Record when the issue was discussed on the floor of Congress, would help clarify the issues and aid in the solution of the problems of this hearing. And if I may add another suggestion, why wouldn't it be a good idea for the Commission to prepare a digest of these fundamental and basic records and then make it available to the thousands who are now engaged in the operation of radio stations and who, when the Act was passed, were either in high school studying algebra and American history or were making a living in other businesses. I, for one, have not thoroughly studied these records. Most of my information comes from a former member of Congress who was active in the discussions in Committee and on the floor -- F. H. LaGuardia. We all know how former President Hoover felt about radio as a vehicle for public service. But some don't know that the majority of the Committee of the House and many members of Congress were inclined to write into the law a provision that every station allocate a certain percentage of its time for public service. Some don't know that it was only after long debate that Congress finally compromised on the phrase "public interest, convenience and necessity", and that, only after Congress specifically wrote Section 315 into the Act, the political provision, making it absolutely mandatory upon the station operator to treat every candidate for political office alike. If this is true, it is important that broadcasters know it. They ought to know it for the sake of the industry; they ought to know it for the sake of the community which they serve.

Certainly no one can deny the benefits of the discussions that followed the publication of the Blue Book. Certainly no one will deny the general improvement in local programs since March 1946. Certainly it made the task of

the network lighter in getting their affiliates to take the many good public service programs which had always been available to them. In the same way that the publication of the Blue Book helped to clarify and define "public service", the publication of the record in this very hearing and of the pertinent Congressional discussions 14 years ago will help clarify Congress' intent to have licensees present all sides of all issues.

The operator of a radio station is human. The operator of a radio station has ideas about right and wrong; what is good for the local community; what is good for the state and country. If he is at all interested in progress of the station, he or his program director invite others who have similar points of view to express them. I have denied right along that any provision in the Mayflower decision prohibits a broadcaster from doing a public service job in his community. But whether we like it or not, the Mayflower decision has been used as an excuse by some stations as the reason for not doing many public service programs.

And yet, a glance at the recent Peabody, Variety and Ohio State Institute awards proves that a great many radio stations and networks are broadcasting programs which some would label editorializing. Frankly, I'm not too concerned about the question of whether these programs (which relate to pure water, opposition to racial and religious bigotry and better housing) are editorials or not. Instead of hunting for pet and key words which classify programs into one category or another, I would much prefer to approach the problem realistically and deal with the basic issues involved. The thing which I am concerned with is to guarantee the right of those to voice their opinions if they disagree with the views expressed by the station's owner, news editor or voluntary speaker. As a practical matter, we should waste less time worrying

and counseling on the question of whether the program constitutes an editorial or a one-sided presentation of a controversial issue. Radio stations should present more and more of these programs.

In public service programs, just as in entertainment, we ought to put on the air the most qualified person. Management today decides who is the most qualified entertainer. If the licensee believes that he is the most qualified singer or pianist, I know of no rule which bars him from appearing over his own station. Similarly, if management believes that the licensee or a member of the staff is the most qualified to present one side of an issue (whether controversial or not), I believe that he should not be barred. The only important thing is that every side be heard when there is a substantial division of opinion on any issue.

In summary, let me say:

1. I believe in the spirit of the Mayflower decision. I believe that was based not so much upon the fact that the licensee editorialized as upon the fact that there was no effort made by the station to present the opposite point of view.
2. In the event the Commission should interpret the Mayflower decision to mean only that a licensee may not editorialize, then I recommend and suggest that a rule or regulation be adopted which would permit the station itself, its employees, or a voluntary speaker to editorialize providing there is placed upon the licensee the obligation to present, in a similar manner and with equal opportunities and skill, opposing points of view.
3. In either event I recommend that the Commission set forth

in clear and unequivocal language the obligation of licensees to present well rounded discussions of all controversial issues, as part of the service to the community. In this connection I am happy to note that in the new form for applications for new radio stations - Form 301 -- there is a specific question which asks the applicant how much time he proposes to devote to the presentation of discussions on public issues. This is a step in the right direction.

March 3, 1948

Mayflower

LAW OFFICES
COHN AND MARKS
517-519 EVANS BUILDING
WASHINGTON 5, D. C.

MARCUS COHN
LEONARD H. MARKS
SAMUEL MILLER

TELEPHONE
DISTRICT 6160

January 27, 1948

Directors

Mr. Richard B. Hull
Radio Station WOI
Iowa State College
Ames, Iowa

Dear Dick

I have your letter of January 22.

I am very happy that the NAEB is going to file a brief in and testify at the Mayflower hearing. Certainly educational broadcasters have a great deal to contribute in such a hearing. I don't know whether you know it or not, but the President of Cornell University is going to appear and testify. I'll be very happy to appear as counsel for the NAEB. You are right that the clear channel matter has taken a good deal of my time but I feel that I should do everything within my power not only to help the NAEB stations but to get them to fully utilize their vast potential power for the good of broadcasting and the American people.

On the question of the position which the NAEB should take, we are presented with a difficult problem. The President of Cornell University is taking the position that there should be some kind of modification of the rule. I would assume that there would be some of your members who would be for an outright abolition of the rule while others would want to maintain it. How do you propose to solve the problem of filing an official brief on behalf of NAEB, having testimony presented on its behalf, and still be sure that you are presenting a concensus of views?

Incidentally, in your letter you only refer to the brief for NAEB and make no reference to the oral testimony. The latter is as important, even more important, than the former.

Sincerely

Marcus Cohn

UNIVERSITY OF ILLINOIS
SCHOOL OF JOURNALISM
URBANA

January 29, 1948

Mr. R. B. Hull, President
National Association of Educational
Broadcasters
WOI
Iowa State College
Ames, Iowa

Dear Mr. Hull:

Both Wilbur Schramm and Frank Schooley have talked to me about the forthcoming hearings on the "Mayflower" problem.

My own position on this matter should coincide more closely with that of the National Association of Educational Broadcasters, than with that of NAB. Therefore, I would be very happy to assist in preparing a brief to be presented by your organization at the hearing.

I shall be glad to meet with your representatives in Chicago.

Sincerely,

F. S. Siebert

F. S. Siebert
Director

FSS:jh

January 17, 1948

Mr. Wilbur Schramm
Assistant to the President
University of Illinois
Urbana, Illinois

Dear Wilbur:

The NAEB, at the request of the Federal Communications Commission, is filing February 1 requesting an appearance in the "Mayflower" hearings which begin March 1.

I will appreciate any advice you might offer as to resource people who could help us prepare the brief. We have no point of view in the sense that we are categorically opposing the National Association of Broadcasters, but we do believe a statement demonstrating both the necessity of preserving free speech and at the same time pointing out the real responsibilities attached to owners and operators of radio broadcast facilities. I have in mind here some of the thinking of the Chicago freedom-of-the-press report and also the "scarcity theory" which I believe exists and which the NAB denies.

I wonder specifically what Fred Siebert could contribute to the preparation of a brief here in addition to whatever you yourself might suggest. I think it might be possible if this interests you at all to arrange a Chicago meeting with some people from Minnesota, Illinois, and the University of Wisconsin to consider this further.

I am writing Frank Schooley in this same mailing and am asking him to contact you. There is a small problem of relationship involved here as you understand.

Another and separate request, Wilbur, is with respect to the rather voluminous and wordy report which I wrote for you on "Serious Radio". Have you had an opportunity to check it yet and advise the registrar at Iowa City? There is no rush about this matter, but any time you do have a moment to check it, I would appreciate your reactions.

Sincerely,

R. B. Hull
President

RBH:rmm

January 17, 1948

Mr. Frank E. Schooley
Radio Station WILL
University of Illinois
Urbana, Illinois

Dear Frank:

I am filing for an NAEB appearance before the FCC in the "Mayflower" hearings. I have written to several people, including Novik and the boys at Wisconsin who urged participation in the hearings, about this matter. I also wrote to Wilbur Schramm to suggest any general sources of information and aid on this matter and raised, incidentally, a question which you might be better able to answer; that is, can Fred Siebert participate or would his relationship with the NAB in anyway prevent this?

Secondly and most important, what is your own thinking on what could be said in this matter? The FCC, as you know, has invited our participation. I think it is a proposition on which something should be said honestly and fairly. Certainly, the issue is tremendously complex and any categorical conclusions are difficult to make. My own feeling is that operators of radio stations do have a unique and special responsibility. At the same time, I want nothing done to destroy the freedom of speech. I think we both recognize that the NAB has a rather specious and self-interested point of view and their apparent objective is not their real one in this case. At the same time, I think it would be inept and ridiculous for us to directly fight them.

Thanks for forwarding all the material, Frank. I appreciate it.

I am just in the throes of completing a suggested organization and operation plan for all districts in NAEB. This together with the News-Letter has taken most of my time to date. I want shortly to run it across in front of all of you and I will especially appreciate from you, as one of the "hard-headed" members of the organization, very frank reactions.

Please send any news items that occur to you. I don't want this bulletin to consist exclusively of "clips", dreams, and paragraphs pulled out of letters with a pair of pliers.

Sincerely,

R. B. Hull
President

RBH:rmm

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS

PRESIDENT
RICHARD B. HULL
WOI, Iowa State College
Ames, Iowa

VICE-PRESIDENT
JOHN DUNN
WNAD, University of Oklahoma
Norman, Oklahoma

TREASURER
W. I. GRIFFITH
WOI, Iowa State College
Ames, Iowa

EXECUTIVE SECRETARY
MORRIS S. NOVIK
Room 5052, Rockefeller Plaza
New York, N. Y.

EXECUTIVE COMMITTEE

☆

Region I
SEYMOUR SIEGAL
WNYC, Municipal Broadcasting System
New York, N. Y.
Maine, New York, Connecticut, New Hampshire, Massachusetts, Vermont, Rhode Island, Pennsylvania, New Jersey, Delaware, and Maryland.

Region II
GRAYDON AUSMUS
WUOA, University of Alabama
University, Alabama
Virginia, West Virginia, Alabama, Kentucky, Tennessee, North and South Carolina, Georgia, Florida and Mississippi.

Region III
FRANK E. SCHOOLEY
WILL, University of Illinois
Urbana, Illinois
Ohio, Michigan, Indiana, Illinois and Wisconsin.

Region IV
CARL MENZER
WSUI, University of Iowa
Iowa City, Iowa
Iowa, Minnesota, North and South Dakota, Nebraska and Wyoming.

Region V
RALPH W. STEETLE
WLSU, Louisiana State University
Baton Rouge, Louisiana
Missouri, Kansas, Colorado, New Mexico, Oklahoma, Arkansas Texas and Louisiana.

Region VI
WILLIAM H. SENER
KUSC, University of Southern California
Los Angeles, California
Montana, Washington, California, Idaho, Oregon, Nevada, Arizona, Utah and Territory of Hawaii.

January 17, 1948

Mr. Harold A. Engel
Assistant Director
Radio Station WHA
University of Wisconsin
Madison, Wisconsin

Dear Harold:

Thanks for your letter of January 12 and your generous comments on the News-Letter. I especially appreciated your enclosures. They are a great deal of help.

You gentlemen certainly turned out an excellent 1948 radio report. I found it to be of great help in making out our own annual statement.

On the "Mayflower" case, this is roughly the situation:

(1) I wish you would act as co-chairman on the matter.

(2) Will you hold any official acts until I get final pleas from the University of Illinois and Novik in New York.

(3) I have written them asking for suggestions on experts in the field who might be willing to contribute or advise. I mentioned such names as Sieckmann at NYU, Morris Ernst, author of "The First Freedom Up", Mitchell Charnley, Journalism Department, University of Minnesota, Fred Siebert, Journalism Head, University of Illinois.

(4) I have written Wilbur Schramm, Assistant to the President at the University of Illinois, an expert in the field of communications, asking for similar advice. Schramm himself might be the man to head up the testimony. He was formerly head of Journalism at the University of Iowa and is well and widely known through both educational and commercial circles.

(5) For relationship reasons and other suggestions, I have also written Frank Schooley.

(6) I am filing Monday a request for an NAEB appearance in the "Mayflower" hearings.

(7) I have suggested to Schramm and I think to you that a meeting in Chicago be arranged to prepare the final statement or brief which will be used.

(8) I personally feel the freedom-of-the-press report at Chicago has most of the stuff we want to say in it. This, however, may be a matter of opinion.

(9) Perhaps you gentlemen are better contacted than I at Chicago and could suggest aid, comfort, and advice sources from that institution.

(10) I will bundle up all of the supplies as soon as I get them and turn them over to you.

I hope shortly to submit for your suggestions and approval, as well as all regional committees', a suggested plan of organization, policy, and regional and national operation for NAEB.

I am enclosing a supply of application blanks. Please tell me if you need more. Your idea of mustering up teachers college interest is fine. Please feel free to comment, criticize, or suggest to your full ability, Harold. It is my own feeling that continuity and experience should be passed along in NAEB some way and in a great many ways, you and Mac and WHA represent the fountain head and center of educational operations in this country.

When you have an opportunity, advise me on your plans for the Wisconsin Institute this summer. I plan to come myself and bring several staff members. Also, will both you and Mac give thought to ways and means, not only for a successful mid-year NAEB meeting at the Columbus Institute which will get us down to brass tacks, but also some way of presenting the NAEB to the whole Institute as the active practioners of America's minority radio.

Give me your frank opinion as to whether or not I will be overstepping the bounds of modesty and practicality if I ask Tyler for the privilege of making a personal speech at one of the general sessions--something along the line I gave at Chicago, only with specific "How to Do It"x items and "What Has Been Done"x items.

Best regards.

Yours sincerely;

R. B. Hull
President

RBH:rmm

x /or NAEB promotion

FOR DEFENSE
BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON 25, D. C.

ADDRESS ALL COMMUNICATIONS
TO THE SECRETARY

February 3, 1948

Mr. Richard B. Hull
President
National Association of Educational
Broadcasters
Radio Station WOI, Iowa State College
Ames, Iowa

Dear Sir:

This will acknowledge receipt of your letter to the Commission of January 28, 1948, expressing the desire of your organization to be represented at the hearing on Editorialization by Broadcast Licensees scheduled to commence on March 1, 1948.

Your letter will be considered as the notice of appearance for your organization and no further notice thereof will be required. The Commission has adopted no limitation on the length of statements to be made at the hearing, but naturally, in view of the large number of persons who have stated their intention of testifying, we would like them to be as brief as possible. When the exact arrangements for the hearing have been prepared public notice thereof will be given to all interested parties.

Very truly yours,

T. J. Slowie
Secretary

Mayflower F.C.

AIRMAIL SPECIAL DELIVERY February 28, 1948

Mr. Marcus Cohn, Attorney
517-519 Evans Building
Washington, D. C.

Dear Marcus:

This letter is to tell you that the National Association of Broadcasters has decided to withdraw from appearances in the so-called "Mayflower" hearings before the FCC.

This, as you well know, is an extremely complex issue or sequence of issues. Apparently there are sufficiently varying points of view within the NAEB membership so that a joint statement would not be readily feasible.

After conversations and correspondence with people at the University of Minnesota, the University of Illinois, including Harold Engel, Harold McCarty, Frank Schooley, Wilbur Schramm, and many others, it appeared wiser to withdraw.

The public notice of the FCC regarding this hearing, giving the order of testimony indicates that such people as Nathan Straus of WCHA, the Institute for Education by Radio, C. A. Siepman, The American Civil Liberties Union, and others together with several of our own members such as WILL (University of Illinois), WHCU (Cornell University) and Morril Novik, NAEB Secretary have filed for appearances.

It would appear that the basic tenets of our composite points of view will be represented whether or not the organization appears itself--and--as we previously discussed it--unless unanimity is present, it is likely to detract, not add to NAEB stature.

Sincerely,

Richard B. Hull
President - NAEB

RBH:mp
CC: All NAEB Officers
All NAEB Directors
Edwin Helman, WBOE (AER liasion)
Wilbur Schramm, Institute Communications, Illinois University
Harold Engel, WHA, University of Wisconsin

MAYFLOWER DECISION

DEPARTMENT OF PUBLIC INFORMATION
CORNELL UNIVERSITY, ITHACA, N.Y.

For Release Afternoon of Tuesday, March 2, 1948

(Ithaca) Washington, Mar. 2 — Radio's right to editorialize in the public interest was upheld today by Cornell University at a Federal Communications Commission hearing on the Mayflower decision.

The university, owner of stations WHCU and WHCU-FM, was the first station licensee to present to the FCC a formal petition for reconsideration and modification of the controversial Mayflower ruling, which is generally interpreted as forbidding editorializing by a radio station.

The Cornell petition, filed in June, 1947, asked for a declaratory ruling which would permit WHCU to air its opinions upon controversial issues of interest to the local community.

The university's position, as outlined at the hearing by Dr. Robert E. Cushman, professor of government at Cornell, set forth three proposals:

1. Licensees should not be given the right to use radio facilities for the purpose of taking sides in issues involving political candidates or parties.

(more)

2. Licensees should be allowed to express their opinions upon and discuss controversial topics relating to the general public welfare or to local community interests.

3. If licensees take a stand upon issues of this sort, they should be required to give adequate "right of reply" to those who disagree with them.

The FCC hearings, which opened Monday (March 1) may continue for several days, possibly weeks, to cover the testimony to be offered pro and con by some 60 witnesses. The significance attached to the hearings is indicated by participation in the testimony of major radio networks, radio associations and stations, educational, religious and veterans' organizations, labor unions, citizens' committees and prominent individuals.

-30-

End of Release for Use Afternoon of Tuesday, March 2, 1948

March 22, 1948

Mitchell V. Charnley
Professor of Journalism
University of Minnesota
Minneapolis 14, Minnesota

Dear Professor Charnley:

Many thanks for your informative letter of March 19. We really appreciate your fine spirit of cooperation.

I would suggest that you plan to develop the "score card" talk for the luncheon meeting on Saturday. The second suggested topic is excellent also, but possibly that information could be worked into the clinic, and the talk on self-analysis for radio news staffs, I believe, would serve as the springboard you mentioned.

We realize of course that it may be a bit unreasonable to ask you to organize a thorough-going news clinic for us on such short notice. However, we are not thinking so much in terms of a formal, complete clinic such as you conducted recently, but rather a short informal refresher course predicated largely on general participation by all hands. You and I can get together with Dick Hull, our president, Saturday morning and work out a tentative outline, possibly selecting two or three of the members on whom you can call for assistance. This will be largely "off-the-cuff", we realize, but we are depending on you to hold the session together and to keep it on the beam. I understand that you are an expert on that, and we are confident that the clinic will be an effective one.

Looking forward to seeing you Saturday at the Savery, I remain

Sincerely,

Jim Bormann
Secretary-Treasurer

JB:bz
cc. Dick Hull

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS
February 28, 1948

AIRMAIL SPECIAL DELIVERY

Mr. Marcus Cohn, Attorney
517-519 Evans Building
Washington, D. C.

Dear Marcus:

This letter is to tell you that the National Association of Educational Broadcasters has decided to withdraw from appearances in the so-called "Mayflower" hearings before the FCC.

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It would appear that the basic tenets of our composite points of view will be represented whether or not the organization appears itself--and--as we previously discussed it--unless unanimity is present, it is likely to detract, not add to NAEB stature.

Sincerely,

/s/ Richard B. Hull

Richard B. Hull
President - NAEB

RBH:mp
cc: All NAEB Officers
All NAEB Directors
Edwin Helman, WBOE (AER liasion)
Wilbur Schramm
Harold Engel
Directors of Clear Channel Stations (NAEB)

PUBLIC NOTICE
17078
February 13, 1948

FCC 48-456

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D.C.

In the Matter of	)	
	)	
Editorialization by Broadcast Licensees	)	Docket No. 8516
	)	

PROPOSED ORDER OF TESTIMONY

The hearing on the above entitled matter will commence on March 1, 1948, in Conference Room B, Interdepartmental Auditorium, Constitution Avenue between 13th and 14th Street, N. W., at 10:00 A.M. It is planned to have the witnesses appear in the order listed below. Any person who desires to appear and whose name does not appear on the list below or who desires to appear at some other time or in some other order other than listed below, should get in touch with the General Counsel of the Commission, Mr. Benedict P. Cottone.

American Broadcasting Company
Columbia Broadcasting System
National Broadcasting Company
Yankee Network
Straus, Nathan (Station WMCA)
Sexton, Morgan (Station KROS)

Mason, Robert (Station WMRN)
Chicago Federation of Labor (Station WCFL)
Cornell University..... (Station WHCU)
United Automobile Workers, CIO
Voice of Freedom Committee
Communication Workers of America
Carson, Saul

American Civil Liberties Union
Siepmann, C. A.
Novik, M. S.
Pierson, Theodore
American Jewish Congress
AMVETS

Congress of Industrial Organizations
Ernst, Morris L.
Farmers Union of America
American Veterans Committee
Institute for Education by Radio
Chester, Girard

Harold Smith
March 5

Cooperative League, U.S.A.
American Federation of Labor
Iowa Association of Radio News Editors
American Council of Christian Churches
Advertising Federation of America
Revere Racing Association

Committee for Constitutional Government
Progressive Citizens of America
Committee to Insure Non-Partisan Radio
Radio Writers Guild
American Federation of Radio Artists
Joint Religious Radio Committee

American Jewish Committee
Radio Directors Guild
National Association of Radio News Directors
Radio and Television Broadcast Engineers Union
National Association of Broadcast Engineers and Technicians
National Association of Educational Broadcasters

Association of Broadcast Unions and Guilds
American Federation of Musicians
American Association of Theatrical and Redio Press Agents

FM Association
National Association of Broadcasters

Craven, T. A. M. (Station WOL)
Station WGN
Cushman, Robert E. (Station WHCU)
Lottridge, Berl (Station WOC)
Hardy, Ralph (Station KSL)
Miller, Phil

Quarton, William (Station WMT)
Scripps, William J. (Station WWJ)
Siebert, Dr. Frederick
Vadeboncoeur, E. R. (Station WSYR)
Waldrop, Frank
Loudermilk, Ronnie

Public Notice, February 13, 1948

EDITORIALIZATION BY BROADCAST LICENSEES
Proposed Order of Testimony

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Cooperative League, U.S.A.
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Committee for Constitutional Government
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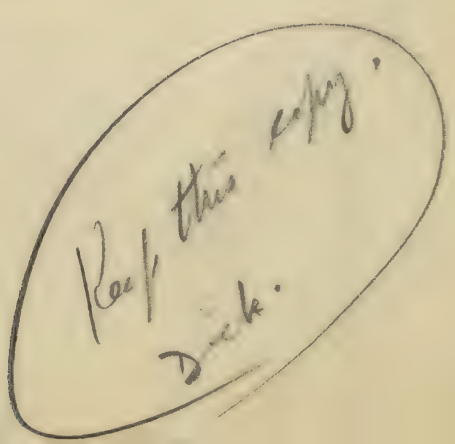
Waldrop, Frank
Loudermilk, Ronnie

Whereas, the Federal Communications Commission is on record as opposing the exercise of free speech by virtue of its decision in the so called "Mayflower Case" and whereas the Iowa Association of Radio News Editors is dedicated to the preservation of the principles of free speech, as set forth in the Bill of Rights and whereas the Iowa Association of Radio News Editors is militently opposed to governmental intrusion upon the rights guaranteed to all citizens of the United States under the Constitution. Now, therefore, be it resolved that the Iowa Association of Radio News Editors go on record urging the Federal Communications Commission to review and reverse the editorial doctrine emunciated in the Mayflower decision, and the secretary of the Iowa Association of Radio News Editors is hereby instructed to transmit to Charles Denny, Chairman of the Federal Communications Commission, this expression of determination of the Radio News Directors in Iowa to uphold the Constitution of the United States and to resist any in-roads upon the rights guaranteed under the Constitution to all free born Americans.



WAEB - Mark Nunstead

PUBLIC NOTICE
February 26, 1948

Before the
Federal Communications Commission
Washington 25, D.C.

18095

In the Matter of
Editorialization by Broadcast Licensees

DOCKET NO. 8516

PLACE OF HEARING

The hearing on the above entitled Matter will be held on March 1, 1948, at 10:00 A.M. in Hearing Room A, Interstate Commerce Commission, Constitution Avenue, between 12th & 13th Streets, N. W., Washington, D. C., instead of the location previously announced.

Sessions scheduled for March 2 - 5, 1948, will be held in Conference Room B, Interdepartmental Auditorium, Constitution Avenue, between 13th & 14th Streets, N. W., Washington, D. C. as previously scheduled.

FEDERAL COMMUNICATIONS COMMISSION

T. J. Slowie
Secretary

NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS
February 28, 1948

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

This is to inform the Commission that the National Association of Educational Broadcasters is formally withdrawing from the hearing in the matter of "Editorialization by Broadcast Licensees."

After conversations and correspondence with various NAEB members throughout the United States, it would appear there are several different points of view on the matter of editorializing, and hence the organization cannot make a common statement for all concerned.

Several of the NAEB members are appearing individually, and through them our composite point of view will be represented.

Speaking for the National Association of Educational Broadcasters and for those everywhere whose concern is for free men in a free world, for free exchange of information, and for dissemination of truth and understanding, we do wish to underscore and reiterate our concern--

"That while in theory--and perhaps in fact--the broadcaster should have equal rights with the press to "free speech" that with this power goes responsibility."

"That the structure of radio is such that a very few thousands of men necessarily exercise great power on the minds and the emotions of millions of citizens. Radio, using as its major tool the human voice, nearly always conveys to its listeners, a sense of authenticity which may or may not be justified in fact."

"That radio stations are licensed in the public interest, convenience, and necessity, and by the laws of the United States, the facilities they use are the properties of the citizens of this country. Each licensee holds a temporary franchise on a portion of the public domain--that portion of the radio spectrum which he uses."

"That true freedom of speech, is a vital American heritage which must above all be preserved in these days of fear and suspicion, and prejudice. It is more important than ever that men be free everywhere to speak their minds and hearts and that reason and fact--and not emotion and prejudice--hold sway."

(OVER)

"Freedom of speech, however, is not freedom to lie or to distort. Editorializing means more and not less responsibility. Free speech requires not only that men be free to speak their minds but that they, in this 20th century of mass audience, have access to technical facilities to speak their minds."

"That those who sit in the studios and master control rooms of our stations and networks must never forget their status is a trustee. By virtue of his great degree of control over this major means of mass communication, the broadcaster speaks more loudly than any single citizen. He must not use this privilege to shout the citizen down. And, if as a trustee, he betrays this trust, then he has made mockery of that privilege he has fought to gain, and should bear the consequences."

"That this and the other freedoms are fed and preserved on principle and concern for the common welfare, and not by additional rules and regulations--that censorship is always vicious and bad--that the broadcasters who seek the right to editorialize and who now maintain that the FCC is violating their constitutional rights, must well remember, if the privilege becomes theirs, the burden of protecting free speech has then become their major trust. They will have then become not seekers and supplicants, but administrators and stewards."

Yours sincerely,

Richard B. Hull, President
National Association of
Educational Broadcasters
Radio Station WOI
Ames, Iowa

RBH:mp

cc: All NAEB Officers
All NAEB Directors
Edwin Helman
Wilbur Schramm
Harold Engel
All NAEB Members

THE OHIO STATE UNIVERSITY
HOWARD L. BEVIS, *President*
COLUMBUS 10

OFFICE OF RADIO EDUCATION
I. KEITH TYLER, *Director*

March 8, 1948

Mr. Richard B. Hull
Station WOI
Iowa State College
Ames, Iowa

Dear Dick:

I am enclosing a copy of my testimony before the hearings of the FCC on editorializing. I was the last witness before the hearings were recessed until the middle of April. Incidentally, the chief counsel inquired whether there was anyone in the audience representing the National Association of Educational Broadcasters. That organization had filed to appear and apparently no cancellation had been received by the Commission. Some of the folks told me that they thought it was too bad that the NAEB was not represented. I believe that a common point of view could have been found to represent our members.

Ivor Sloan

As you probably know, Senator Tobey, on behalf of the Interstate and Foreign Commerce Committee of the Senate, has requested the FCC not to announce a decision in the clear-channel case until the Senate has time to act. This definitely puts the FCC on the spot because it is supposed to reach a decision in time for the international meeting. Chairman Coy was going to have a conference with Senator Tobey in the hope of being able to find a solution to the problem. Apparently the Senator wants the clear-channel matter settled by legislation instead of by the regulatory body. This seems to me an improper use of legislation in a highly technical matter but it is one of those things. I am merely saying that you should not expect a decision on the clear-channel matter in the near future unless Senator Tobey is convinced by Chairman Coy of the need for withdrawing the request for postponement.

While in Washington I had a nice chat with all the new commissioners and found them uniformly interested and friendly with education. I think the Commission will constitute as good a body as we have had.

Sincerely,

Keith

I. Keith Tyler

IKT:cmh

Enclosure

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington 25, D. C.

In the Matter of	)	
	)	Docket No. 8516
Editorializing by Broadcast Licensees	)	

Testimony of

I. Keith Tyler

Director
Institute for Education by Radio
Ohio State University
Columbus 10, Ohio

In testifying before this Commission in the matter of editorializing by broadcast licensees, I must make it clear that I speak only as an individual. The Institute for Education by Radio, of which I am director, is an educational activity carried on by the Ohio State University. It brings together broadcasters, educators and civic leaders to consider broadcasting problems and to exchange ideas and techniques as a means of furthering the use of radio for broadly educational purposes. Those who attend represent widely varying viewpoints and interests so that it would be impossible for me to speak for such a group. Indeed the Institute bans formal resolutions as being inconsistent with its educational purpose -- the presentation of issues, problems, techniques and ideas which may be of benefit to those who attend.

The matter of editorializing by radio stations was considered at a general session of the Seventeenth Institute for Education by Radio last May. Varied points of view were presented in the talks and discussion. I attach the printed proceedings of this session to my testimony as Exhibit A in the hope that it may prove helpful to the Commission.

As an individual, however, I am glad to have this opportunity of presenting my point of view on the matter of editorializing by broadcast licensees. The issue at stake here is of paramount importance for the whole future of broadcasting in the United States. A departure from the Mayflower decision by the Commission might change materially the practices of stations in the discharge of their responsibility for serving the public interest, convenience and necessity. Since radio is such a powerful medium, the manner in which it is used in relation to controversial matters will inevitably affect the social, economic, and political structure of American life.

My viewpoint is based upon a fundamental belief in the importance of preserving freedom of speech in the United States. I recognize the wisdom of the first article of the Bill of Rights which states that "Congress shall make no law.....abridging the freedom of speech..... ." My concern is with freedom of speech for everyone -- for the 140 millions of other American citizens as well as the approximately 2000 station licensees. The intent of Article One of the Bill of Rights, as I see it, is to preserve the right of all the people to speak their minds on controversial matters no matter how they may differ with those who hold power, politically or economically or socially. To give complete freedom of speech only to station licensees, a pitifully small number among the total population, would, in my judgement, constitute a perilous abridgement of freedom of speech.

I recognize that radio facilities cannot physically be made available to all the 140 million, nor even to a considerable fraction of them. But the viewpoints held by considerable numbers of the people on matters currently in the arena of public discussion can be expressed on limited radio facilities, so that, in essence, all (or nearly all) the people can have freedom to speak through their informal representatives. It is this freedom of speech that must be safeguarded by the Commission in furtherance of the Bill of Rights.

I am unalterably opposed, therefore, to giving broadcast licensees complete freedom to air their special views without the obligation of giving equal time and facilities to representatives of differing viewpoints. In substance, I support the general position taken in the Mayflower case, although I would suggest changes which would, in my judgement, clarify and improve the situation.

In the first place, I would go further than the Mayflower decision in

stressing the responsibility of the broadcast licensee for airing controversial questions. Freedom of speech today must involve speech over radio facilities and these facilities must not be denied by timid broadcasters. No proprietor of one of the limited radio facilities should be permitted to shirk his responsibility to provide opportunity for freedom of speech by refusing to deal with controversial matters. Nor should he be construed to have discharged his responsibility if controversy is aired at hours when only a limited audience is available. Operation in the public interest, convenience and necessity should be defined to include the requirement of broadcasting controversy at a time when it can conveniently be heard. Since radio facilities in general must be open for the discussion of issues if democracy is to function effectively, this responsibility must be placed upon all stations as implied by their licenses. Otherwise it is conceivable that this function might be completely abrogated by many broadcasters in order to avoid operational headaches and democracy would thus be denied one of its most effective instruments.

In the second place, the Commission should make clear that station licensees have the same rights of other citizens to air their opinions on controversial issues -- the same rights but no greater. In other words, the licensee like anyone else may express a particular point of view with regard to an issue if he has some special competency, has access to particular information or authority, or is otherwise specially involved in the problem. His expression on the station should receive no preference as to time or facilities above other representatives of differing viewpoint on the same problem. He might appear as a member of a forum or round table, or as one of several speakers given equal time and facilities.

In the third place, I would suggest that the Commission state specifically that editorializing is not involved when radio is used to bring to public attention conditions and problems with which the citizenry should deal. I see no reason why a broadcaster should be prevented from giving publicity to bad housing conditions, to an unsavory water supply, to deplorable recreation facilities for youth, or to improperly regulated traffic. So long as the broadcasts are confined to an honest portrayal of conditions, no editorializing is involved. I see no objection to the use of the documentary or the dramatized approach to such broadcasting. If, however, the broadcaster goes further to indicate solutions, he may become involved in controversy. At this point, therefore, he should give equal opportunity for the various sides of the issues to be heard. The station licensee can present situations requiring solution. He can advocate that they be solved. But when he advocates a particular solution he must appear because he has special interest or competency and he must ensure that advocates of other solutions have equal opportunity to be heard.

It should be recognized that no set of rules spelled out by the Commission will be capable of meeting all of the possible situations that may arise. Unquestionably there will be borderline cases between the right of a station to throw the spotlight of public attention upon troublesome problems and the taking of a position on a controversial issue. Always it will be the responsibility of the licensee to use his best judgement in furthering the public interest, convenience and necessity. But it should be clear, as a principle, that the preservation of freedom of speech for all citizens over limited radio facilities is more important than the freedom of the 2000 licensees themselves.

"THE OLDEST STATION IN THE NATION" WHA UNIVERSITY OF WISCONSIN — MADISON

January 14, 1948

Mr. Richard B. Hull
Radio WOI
Iowa State College
Ames, Iowa

Dear Dick:

Our letters must have crossed in the mails because I have just received your letter in which you ask for some of the information which I sent you.

Going back to that "Mayflower" business, we'll do whatever you say on it. As I said before I don't think we have enough of the background to make a really profound report on it. We'll be glad to talk it over and send our opinions along for what they are worth. What do you think? The green sheet which I'm enclosing gives the approximate locations of the FM transmitters which are anticipated. All of these will be 10 kilowatt jobs with the exception of the one here in Madison and the one at La Crosse. These are to be 3 kilowatts. Keep it in mind that these are tentative plans and that some changes may be evolving on the basis of experience we have with the transmitters as they are put into operation. FM is getting out farther than we anticipated. We expected to get about 50 miles on this transmitter and are getting from 60 to 70 quite consistently. The same holds true for the 10 kilowatt job planned for Milwaukee. That will reach way over this way whereas we had expected it not quite to come to Madison. It's most encouraging.

At the Chicago meeting Waldo Abbott and I talked over the FM network possibilities with a view of boosting the programs from our Delafield station across the lake to Grand Rapids where one of his students has a station. From there he would pick it up and boost it from Ann Arbor down to Indiana and Ohio, thus making a loop which might extend across Indiana and over to Illinois and possibly thus it could reach over into Iowa and off to the stations in the west. I'd like to see something like this worked out because I think it is through these channels that we're ultimately going to get a network. It will be up to each state, I believe, to set up its own local network first and then hitch on to a nation-wide hookup which will be evolving.

The Stevens Point station which you asked about, is operated by the State Department of Agriculture and is licensed in the name of the State of Wisconsin, Department of Agriculture. We have no control over that station but do supply several hours a day of programs to them. They take largely the service programs such as

our School of the Air programs, the Farm Program, the Homemakers Program, Legislative Forum, and the features of general interest of a like nature. That station operates during day-time hours only. I was up there today and they don't seem to have much of an eye for the use of FM. They do cover quite a section in the middle of the state and feel that perhaps our FM activities would not be working along the same lines as they are now working. There is nothing serious, however, and we'll come out with a working agreement I'm certain. They are glad to take anything which is good and will probably use on AM a lot of the programs we do on FM. That will give double coverage until such time as FM receivers are in general use. From the map you'll notice that the Rib Mountain station is just to the north of Stevens Point and inasmuch as that will be the one station which has the largest coverage, by virtue of its location on top of Rib Mountain, it will reach the same area as is now served by WLBL.

It was good to get your report and to know that you have things under control. You've surely had a busy time and I can't see much of a rest ahead for you for some time. I hope that the boys will come through with stories and give you the help you deserve on the News-Letter. Best of luck.

Cordially,

Harold A. Engel
Assistant Director

HAE:jh
encl.

HXR120

3/25/48

(ATTENTION EDITORS)

WASHINGTON---THE FEDERAL COMMUNICATIONS COMMISSION SAYS IT HAS ORDERED AN INVESTIGATION OF NEWS BROADCAST POLICIES OF THREE RADIO STATIONS CONTROLLED BY G. A. RICHARDS OF LOS ANGELES.

THE STATIONS ARE K-M-P-C OF LOS ANGELES, W-J-R OF DETROIT AND W-G-A-R OF CLEVELAND.

THE INVESTIGATION FOLLOWED A COMPLAINT CONCERNING NEWS BROADCASTS OVER STATION K-M-P-C FILED WITH THE COMMISSION BY THE RADIO NEWS CLUB OF HOLLYWOOD, CALIFORNIA.

THE COMMISSION WOULD NOT DISCLOSE CONTENTS OF THE COMPLAINT.

THE AMERICAN JEWISH CONGRESS RECENTLY PETITIONED THE COMMISSION TO REVOKE K-M-P-C'S LICENSE, CHARGING THE STATION WITH "DELIBERATELY SLANTING NEWS COMMENTS AGAINST JEWS." THE COMMISSION HAS NOT YET ACTED ON THAT PETITION.

THE RADIO NEWS CLUB IS COMPOSED OF RADIO WRITERS IN THE HOLLYWOOD AREA.

MG655P3/24

WX2134

(ATTENTION EDITORS:)

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3/12/48

WASHINGTON---THE AMERICAN JEWISH CONGRESS TODAY PETITIONED THE FEDERAL COMMUNICATIONS COMMISSION TO REVOKE THE LICENSE OF RADIO STATION KMPC OF LOS ANGELES, CHARGING ANTI-JEWISH BIAS IN ITS NEWSCASTING.

THE PETITION WAS FILED BY DR. STEPHEN S. WISE, PRESIDENT OF THE CONGRESS.

IT SAID THE JEWISH CONGRESS "HAS INFORMATION TO THE EFFECT THAT G.A. RICHARDS, PRESIDENT OF THE STATION, HAS DELIBERATELY ORDERED THAT THE NEWS COMMENTS ON STATION KMPC BE SLANTED IN A MANNER WHICH WOULD STIR UP RELIGIOUS AND RACIAL HATRED AGAINST THE JEWS."

EG748P3/11

from DES MOINES SUNDAY REGISTER, March 7, 1948

Facsimile and Freedom of the Press

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Government Regulation of Broadcasting Involved in New Technique.

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(By The Register's Editorial Page Staff.)

A facsimile newspaper is a newspaper broadcast over the air and reproduced in the home. In sound broadcasting a microphone changes sound waves into electrical impulses; then at a distance a loudspeaker changes the electrical impulses back into sound. In facsimile broadcasting the scanner takes the place of the microphone and the recorder takes the place of the loudspeaker.

With facsimile, the copy is wrapped around a revolving drum in the station. A scanner—an electric eye—changes each grade of black into an electrical impulse, which is broadcast. In the home this electrical impulse is picked up by an ordinary radio receiver and relayed to a facsimile recorder.

Static Interferes.

A roll of paper which has been chemically treated to make it sensitive to electrical impulses feeds through the recorder. The impulses turn the paper black and thus reproduce the original copy. Static blurs and blackens the reproduction. FM (frequency modulation) channels are freer from static than AM (amplitude modulation) channels. For this reason facsimile newspapers will be broadcast over FM stations to FM sets exclusively.

According to many persons facsimile newspapers have been "just over the horizon" for 20 years. However, for a variety of reasons they are just now being developed. The rapid expansion of FM stations and improvements in the sensitizing of paper after World War II have given facsimile newspapers a big push.

An early facsimile receiver.

Relationship to Newspapers.

Most observers judge that in its present stage the facsimile newspaper will be an adjunct to the large daily newspaper. However, others disagree. Robert D. Leavitt, of the Hearst newspapers, says that when facsimile "has developed into an economically sound enterprise . . . its competition will render obsolete the newspaper as we know it today". He says that the standard newspaper has two advantages over radio today—appeal to the eye and permanence; facsimile has both of these and in addition it will be faster and more convenient.

Also there is disagreement on whether facsimile will quicken or reverse the trend toward monopoly situations in the news. Some think it will increase competition by making it possible for more persons to enter publishing with less money. But some others disagree. Morris Ernst believes that facsimile "offers a further serious threat of establishing national newspapers". He said it is "not hard to imagine facsimile reproduction of a large metropolitan newspaper sent ever the ether with copies arriving simultaneously on all the breakfast tables in the land".

Question of Censorship.

Even if the facsimile newspaper turns out to be only a supplement, the question of how free it will be from government censorship will be important. It will be more important to the degree that it supplants the conventional press.

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Radio stations have not had freedom of speech in the same sense that newspapers have freedom of the press since 1927. By that year there were more persons wanting to broadcast than there were AM channels available.

Airwaves Regulated.

The law of 1927, modified slightly in 1934, set up a licensing commission to regulate the use of the airwaves. The commission was directed to grant licenses and renewals only if "public interest, convenience and necessity will be served thereby." (Licenses are granted for a maximum of three years.) From the beginning the commission (then the Federal Radio Commission, now the Federal Communications Commission) has worked on the theory that "program service was a prime factor to be taken into consideration" in determining whether the "public interest" would be served by renewing the license of a particular broadcasting station.

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The most striking use of the commission's powers as applied to news broadcasts was the famous so-called Mayflower ruling in 1941. The Yankee network, operator of WAAB at Boston, had applied for a renewal.

The FCC said that WAAB had broadcast partisan editorials. This, it said, "compels the conclusion that this licensee during the period in question has revealed a serious misconception of its duties and functions under the law.

Exchange of Ideas.

"It is equally clear that, with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by the dedication of any broadcast facility to the support of the licensee's own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented.

"A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

Public Interest First.

"Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain, the licensee has assumed the obligation of presenting all sides of important public questions fairly, objectively and without bias. The public interest—not the private—is paramount."

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However, the officials of WAAB established that "no editorials have been broadcast since September, 1938, and that it is not intended to depart from this uninterrupted policy . . . The stations has no editorial policies." Because of this the FCC renewed the license.

FCC Challenged.

"No editorial policy" was the policy of the entire broadcasting industry before and during the war. Now, however, partly because of the imminence of facsimile, some segments of the industry are challenging the FCC's right to examine program policies as "illegal and unconstitutional."

Arthur D. Willard, Jr., of the National Association of Broadcasters, has said, "Where would the vaunted freedom of the press be if the ruling of the FCC depriving radio of the right to editorialize were imposed upon the transmission of newspapers by facsimile?

"Where, indeed, would freedom of the press stand if . . . a newspaper's editorial policy were to be required as evidence of the determination of a facsimile application which might involve an issue of economic life or death for the paper? Will newspapers in the future in applying for facsimile facilities be required to provide sustaining pages, discussion pages and so on?"

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Former Chairman Denny of the FCC has said he agrees that a facsimile newspaper "has got to have exactly the same privileges and the same freedom as the newspaper which the boy leaves on your doorstep that is printed with ink and type".

"Unconstitutional."

Legal advisers for the National Association of Broadcasters say they are confident that the Supreme Court will declare the FCC's ruling a violation of the first amendment to the Constitution—that guaranteeing freedom of speech.

Radio spokesmen admit that radio cannot now be completely freed from government licensing, but they want to have federal supervision strictly limited to the technical and engineering sides of the industry. In this connection Byron Price, director of the Office of Censorship in World War II, has observed:

"We learned in wartime that the power to license is the power to censor, whatever statutes and regulations may say to the contrary."

From DES MOINES SUNDAY REGISTER, March 7, 1948

Freedom for the New Communications.

A reader, commenting on our recent editorial, "Radio Editorials Up For Hearing Again," raises a question: "If and when radio facsimile newspapers become common, what should be the rule covering expressions of editorial opinion?"

The question is an important one. We said in our editorial that the changing technology of communication makes any conclusions about freedom to editorialize by radio tentative. Although we mentioned only television, we might properly have included both frequency modulated radio (FM) and facsimile printing by radio.

(A report on the background of federal licensing of radio stations and control of program content, together with some of the implications for facsimile newspapers is presented on this page today.)

It is conceivable that the *limited* freedom of radio stations might be changed to *complete* freedom—as complete as the freedom of newspapers—if FM radio becomes general. FM transmission permits a great number of radio stations to broadcast simultaneously without interference. Government licensing might become so free (like the second class mailing permit of a newspaper) that it would be feasible to remove all restrictions on radio broadcasts of opinion.

The same general conclusion may hold, also, for television. The limited range of television may mean that many more stations could be established all over the country—enough so that licensing would become free enough to permit editorializing by station owners. On the other hand, television development may take other directions; no one can be sure.

The key to freedom for broadcasters to editorialize is freedom of entry into the business. That is the reason why radio station editorializing is restricted now—because of the necessity for government licensing of the limited number of radio frequency channels available.

Facsimile printing by radio raises still more troublesome problems. Is it radio or is it printing? Since facsimile will be transmitted by FM radio, the same conclusions probably would hold for it as for FM sound broadcast.

We are entering into completely unexplored fields of communication at breakneck speed these days. It will take level-headed statesmanship to develop procedures consistent with our basic tenets of freedom of speech and freedom of the press.

DECISION DEFENDED BY FLY

Former FCC Head, Counsel For ACLU, Declares Broadcasters Now Have Complete Freedom Of Speech

(Continued from Page 1)

president and general counsel of NBC has not so far forgotten his bringing up or abandoned his public record professions as to advise the NBC that the Commission, the Congress guardian of the public interest in broadcasting, has no right to review program content."

His reference was to Charles Denny, former FCC chairman who was in the hearing room Monday with the NBC president, Niles Trammell.

"To permit a broadcaster to harangue the public—and exclude opposing points of view—would strike at the very roots of the First Amendment," Fly said, insisting that no broadcaster can properly serve the public interest "by subverting the transmitter to his own private views."

That the FCC is no more than "an electrical traffic cop" is a discredited idea, but nonetheless "a score of times in every sun-spot cycle it is dusted off and launched on a trial spin through the ether," Fly said. Congress set up a Commission, "not just a chief engineer," he added.

Radios present pre-eminent position in the news field—far stronger than that of the press—will recede "when radio starts grinding its own axe," Fly said. He also spoke of the value of a good radio voice, describing it as "a compelling mechanism, frequently far beyond the logic of the position taken . . . Radio is splendid; radio is powerful. In terms of public opinion radio is not merely dynamite—it is atomic."

"Silly Talk"

He termed complaints that broadcasters do not have complete freedom of speech under the Mayflower decision "silly talk — broadcasters wield a tremendous control over the nation's free speech mechanism. They select and define subjects, they choose speakers, they fix times, and individual employes give the news and present opinions." He mentioned Quincy Howe and H. V. Kaltenborn.

John Dwight Sullivan, counsel for the Advertising Federation of America, told the Commission his membership feels that all sides of controversial questions should be broadcast, but that "it is our belief and conviction that the licensee himself may be heard in support of his beliefs, whether or not it be deemed editorialization, and that without such rights of expression there will be an end to a truly free radio."

Prof. Giraud Chester of Cornell University, appearing as an individual, took issue with Professor Cushman, who appeared earlier in the day for the University station, WHCU, Ithaca. He said the Mayflower decision serves to increase the likelihood of balance on the air.

He said that if, for example "all four national networks cast their editorial lot openly with the present Administration in the forthcoming elections, a mild form of consternation would break out in certain Congressional quarters . . . and those Congressmen would have real reason for their consternation, for while we know that Congressional opinion reflects public opinion by virtue of regular elections, we do not have the same assurance for the opinions of broadcast licensees. We don't even know the present political leanings of licensees. The Commission doesn't have this information in its files.

"Having carefully avoided inquiry into such matters, to assume that the Commission has somehow, by chance, selected several thousand licensees who, in their editorial makeup, will reflect the major strains of public opinion, seems to me a naive and highly questionable assumption."

Criticizes Miller

Chester also struck at the NAB president, Justin Miller, quoting from a speech by Miller in which the NAB leader suggested two reasons why broadcasters should be concerned with freedom of speech—first "a plain matter of dollars and cents" and, second, "that a country cannot continue to be free unless its people are free to express themselves—to exchange ideas—without abridgement or censorship by government."

Stanley Faulkner, for the Voice of Freedom Committee, presented the Commission with 10,000 signatures to a petition urging that impartiality in broadcasting be maintained, that trade unions be given time to match "industrial sponsors," and that "many liberal commentators dropped from the air in the past year be brought back."

Nathan Straus Gives Views

Nathan Straus, president of WMCA, New York, testifying as an independent broadcaster, expressed the view that radio station management should have the right to express an opinion but placed a limit on the amount of time that might be devoted to editorializing. He summarized his views as follows:

"1) The FCC bases its policies upon a distinction between the rights and privileges of newspapers and the rights and privileges of radio stations. I believe the distinction is a valid one based on a real difference.

"2) It is my belief that the Mayflower decision is not the right way to deal with this difference.

"3) I believe that the effect of the prohibition against editorializing on the air is to encourage evasion by stations in order that they may express opinion and, in fact, become 'advocates.'

"4) I believe that the effect of the Mayflower decision is to grant to radio advertisers a right which is denied to radio licensees.

"5) I believe that the Mayflower decision limits access to varying shades of opinion in many communities at a moment in the world's history, when an informed public opinion is a vital necessity if our country is to survive.

"May I, in closing this statement, offer specific suggestions for reconciling the essential right of freedom of opinion with the sound philosophy of the right of government to supervise the use of the air waves. The policy that I advocate takes a middle ground. It avoids both extremes. I do not believe that radio should have the same right as newspapers to editorialize. I do not believe in the denial to radio of all right to editorialize. Neither extreme serves the public interest best."

Offers Recommendations

Continuing Mr. Straus made definite recommendations to the commission on the subject of editorial opinion. These recommendations were:

"1) Expression of editorial opinion should be permitted to the extent of 15 minutes a day. For a station which is on the air 18 hours, this would amount to 1.4 per cent of the broadcast day. For a daytime station which is on the air only 12 hours, it would amount to 2 per cent of the broadcast day.

"2) Expression of editorial opinion should be clearly labeled and announced as such, both at the beginning and at the close of the editorial.

"3) Stations should be required to allocate time, following each editorial period, for letters from the public. This would give listeners who disagree with the editorial viewpoint an opportunity of rebuttal. It would correspond roughly with the 'Letters to the Editor,' which is a regular feature of the editorial pages of most newspapers.

"4) The privilege of editorializing on the air should be confined strictly to stations owned by an individual or a group, all of whom reside in the primary coverage area of the station.

"The cure for the evils of democracy is more democracy," Straus continued. "Be it soapbox, pulpit, press, or radio, more discussion is the only sure road to more enlightenment. The dissemination of views as well as news, opinion as well as information, will help people to understand issues of the day. I would rather run the risk of permitting propaganda than the risk of muzzling free speech."

Hearing to Continue Today

Scheduled to be heard today are Saul Carson of the New Republic, Attorney Theodore Pierson for a number of client stations, Milton Stewart for the American Jewish Congress and Charles Siepmann, author of "Radio's Second Chance" and compiler of much of the material of the FCC controversial Blue Book.

3-3-48

Additional Witnesses Testify At 'Editorializing' Hearing

Washington Bureau, RADIO DAILY

Washington — The FCC yesterday heard a continuing parade of witnesses urge that broadcasters not be given free rein to editorialize on the air. Strongest opponent of the no-editorial policy was Radio Attorney W. Theodore Pierson, who insisted that a broadcaster "fulfills his duty if full and equal opportunity is afforded to all substantial sides of broadcast issues."

Pierson was on hand to represent KOB, Albuquerque; WGPA, Bethlehem, Pa.; WWDC, Washington; WKBV, Richmond, Ind.; WHIR, Danville, Ky.; WKWK, Wheeling, W. Va.; WENY, Elmira, N. Y.; WLOL, Minneapolis; WIND, Chicago; KLZ, Denver; WTAD, Quincy, Ill.; KUTA, Salt Lake City; KGLO, Mason City, Iowa; KVOR, Colorado Springs; WJLS, Beckley, and WKNA, Charleston,

(Continued on Page 5)

W. Va.; WDEF, Chattanooga, and WKY, Oklahoma City.

He told the Commission his clients have reached the following conclusions:

1. That Congressional action in the field of radio transmissions cannot be constitutionally justified or authorized unless, (A) Government censorship is prohibited except for utterances illegal as a matter of general law; and, unless, (B) a public duty is imposed upon the licensee of a facility.

2. The licensee as a matter of law cannot exclude substantial views of public issues that he decides to broadcast irrespective of whether such views are contrary to or in accord with his own.

3. The licensees' duty not to exclude is neither made greater nor smaller by the presentation of the licensees' views.

4. The licensee fulfills his public duty with respect to public issues that are broadcast if full and equal opportunity is afforded to all substantial sides.

5. The full-and-equal opportunity principle should be a duty not to exclude substantial sides rather than the impracticable duty to include all substantial sides.

6. The expression of editorial opinions of broadcast station licensees on matters of public interest and controversy is consistent with their public duty and a denial by the Commission of such a right is violative of Section 326 of the statute and the First Amendment of the Constitution.

7. The Commission has the power upon reviewing the programs of the licensee to determine whether unlawful programs have been broadcast and to act in accordance with such finding.

8. While the Commission has the power to employ program examination in a limited manner to judge an applicant's qualifications, it does not have the power under the statute or the Constitution to decide or declare whether any lawful program or lawful type of program is in the public interest.

Lawyer Morris Ernst of New York told the Commission that the ban should stand except in those areas where there is true diversity of ownership among stations. He said he definitely "would not allow an absentee owner to editorialize."

Coy Suggests "More Vitality"

FCC Chairman Wayne Coy suggested that "more vitality" might result in towns with but one newspaper and one radio station, not jointly owned—if the broadcaster were permitted to editorialize in opposition to the newspaper. That, said Ernst, is anybody's guess. Commissioner Clifford J. Durr remarked that an enterprising broadcaster in such a situation can see to it that public issues are debated over his facilities.

Saul Carson, radio editor of the New Republic, told the FCC that "the very attack against the Mayflower decision is based upon one proposition — destruction of every regulatory power vested in the FCC. Wipe out the Mayflower decision and you perform an act harmful not only to the millions of owners of radio receiving sets but also to the thousands of owners of radio transmitters."

Milton Stewart, for the American Jewish Congress, called upon the FCC to "go further than the ban on editorializing . . . the Commission should rip wide open the whole question of equal time for both sides on controversial issues."

Rep. Emanuel Celler of New York told the Commission he was "one hundred per cent for the Mayflower decision," and Charles Siepmann, one of the authors of the material which resulted in the FCC's blue book took a like position.

Pierson ran into lengthy questioning by the Commission—with Commissioner Webster especially upset when Pierson suggested the FCC reach decisions on the flip of a coin. The suggestion came in answer to a question by Commissioner Durr, who asked what the Commission should do, according to Pierson's views, if two applicants for a station seemed equal in their qualifications and one proposed a straight network program schedule and the other balanced schedule including local programming.

"That's not the Commission's business," Pierson said.

When Webster asked if "court would uphold a ruling made on the flip of a coin," Pierson said he would be "glad to supply the coin for future decisions. It might be a good way to clear off the docket."

He admitted in response to questioning by Commissioner Sterling, however, that the Commission was within its rights when it moved against lotteries on the air.

Scheduled to be heard today are the CIO, Morris Novik and Erik Barnow of the Radio Writers Guild.

3-4-48

AP 123

RADIO (SUBS PREVIOUS)

WASHINGTON--THE F-C-C TODAY HEARD CONTRARY DEMANDS THAT RADIO BROADCASTING BE STRICTLY POLICED AND THAT IT BE ALLOWED TO FUNCTION COMPLETELY FREE. THE VIEWS WERE VOICED AT HEARINGS ON THE F-C-C'S SEVEN-YEAR OLD BAN ON EDITORIALIZING OR SIDE-TAKING BY RADIO STATIONS IN ELECTIONS OR OTHER PUBLIC CONTROVERSIES.

HENRY C.FLEISHER, ASSISTANT PUBLICITY DIRECTOR FOR THE C-I-O--PLUMPED VIGOROUSLY FOR KEEPING THE BAN. HE SAID THE CIO OBJECTED "TO ANY MOVE THAT WOULD PERMIT RADIO BROADCASTING STATIONS TO GIVE EDITORIAL EXPRESSION TO THEIR OWN CORPORATE VIEWPOINT."

ON THE OTHER HAND, THE REV.CARL MCINTIRE, SECRETARY OF THE AMERICAN COUNCIL OF CHRISTIAN CHURCHES, TOLD THE COMMISSIONERS:

"RADIO SHOULD BE AS FREE AS THE PRESS IN EVERY PARTICULAR. IT IS IN THE PUBLIC INTEREST THAT THE PEOPLE OF THE COMMUNITY KNOW WHERE THEIR RADIO STATIONS STAND, JUST AS THE PUBLIC KNOWS TODAY WHERE NEWSPAPERS STAND ON VARIOUS ISSUES AND PROBLEMS."

THE POLICING SUGGESTION CAME FROM ANGUS MCDONALD, WHO READ A STATEMENT BY RUSSELL SMITH, LEGISLATIVE SECRETARY OF THE NATIONAL FARMERS UNION. AMONG OTHER THINGS, THE STATEMENT COMPLAINED OF THE TREATMENT SMITH SAID WAS GIVEN TO HENRY WALLACE WHEN HE OBTAINED MUTUAL NETWORK FACILITIES TO ANNOUNCE HIS PRESIDENTIAL CANDIDACY. THE PROGRAM ORIGINATED FROM THE STUDIOS OF WGN, MUTUAL AFFILIATE IN CHICAGO OWNED BY THE CHICAGO TRIBUNE, BUT, SAID, SMITH, "WAS NOT CARRIED ON THE AIR BY WGN ITSELF."

M.S.NOVIK, RADIO CONSULTANT AND EXECUTIVE SECRETARY OF THE NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS, WAS ANOTHER WITNESS. HE URGED THE COMMISSION "TO SPELL OUT" WHAT IS MEANT WHEN A BROADCASTING LICENSE IS GRANTED "IN THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY." HE COMMENTED THAT SOME STATIONS "SEEM TO PREFER BING CROSBY TO PUBLIC DISCUSSIONS."

PRESIDENT ERIK BARNOUW OF THE RADIO WRITERS GUILD SAID HIS ORGANIZATION STRONGLY OPPOSED ANY EASING OF THE RULE AGAINST EDITORIALIZING BY RADIO STATIONS.

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3/4/48

WITH F-C-C

WASHINGTON -- RADIO STATIONS SPREAD ACROSS THE NATION WERE REPRESENTED BY COUNSEL W. THEODORE PIERSON, IN HIS TESTIMONY TODAY AT AN F-C-C HEARING. THE 18 STATIONS JOINED THE MAJOR NETWORKS IN OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION RULE AGAINST EDITORIALIZING ON THE AIR.

PIERSON SPOKE FOR THESE STATIONS:

K-O-B, ALBUQUERQUE, NEW MEXICO; W-G-P-A, BETHLEHEM, PENNSYLVANIA; W-W-D-C, WASHINGTON; W-K-B-V, RICHMOND, INDIANA; W-H-I-R, DANVILLE, KENTUCKY; W-K-W-K, WHEELING, WEST VIRGINIA; W-E-N-Y, ELMIRA, NEW YORK; W-L-O-L, MINNESOTA; W-I-N-D, CHICAGO; K-L-Z, DENVER; W-T-A-D, QUINCY, ILLINOIS; K-U-T-A, SALT LAKE CITY; K-G-L-O, MASON CITY, IOWA; K-V-O-R, COLORADO SPRINGS, COLORADO; W-J-L-S, BECKLEY, WEST VIRGINIA; W-K-N-A, CHARLESTON, WEST VIRGINIA; W-D-E-F, CHATTANOOGA, TENNESSEE; W-K-Y, OKLAHOMA CITY, OKLAHOMA.

BD1240AES 4

4 Witnesses Oppose Right To Editorialize

Washington Bureau, RADIO DAILY

Washington—Four witnesses testifying at the Mayflower hearing before the FCC yesterday went on record for the decision and expressed opposition to editorializing in radio. The speakers were Morris Novik, of Unity Broadcasting Corp.; Angus MacDonald, representing the National Farmers Union; Erik Barnow, of the Radio Writers Guild, and Henry Fleisher, representing the CIO and National Farmers Union.

(Continued on Page 3)

Radio's Right To Editorialize Opposed By Four Witnesses

(Continued from Page 1)

The basic issue involved in the hearings, Novik said, is not whether or not a licensee has the right to editorialize on the air. "The only important thing," he said, "is that every side be heard when there is a substantial division of opinion on any issue. . . . As a practical matter, we should waste less time worrying and counseling on the question of whether the program constitutes an editorial or a one-side presentation of a controversial issue. Radio stations should present more and more of these programs."

The former director of New York's municipal station recommended also "that the Commission set forth in clear and unequivocal language the obligation of licensees to present well rounded discussions of all controversial issues, as part of the service to the community." He termed "a step in the right direction," the new license application form which asks specifically how much time the applicant plans to devote to discussions of public issues.

Points to Lack of Mikes

Taking broadcasters to task for not airing the current hearings, Novik said that "the wide variety of opinions expressed here and the free discussion of the problems illustrate the basic solutions of the issues raised by the Mayflower decision." He continued: "Contra-wise, I haven't heard of any one radio station or network which has placed its microphones before the witnesses and the Commission in this hearing room—as has been done at other non-radio Congressional hearings—in order to bring to its listeners the different points of view expressed here on these basic, vital and important issues."

Most of MacDonald's statement consisted of an attack on Fulton Lewis, Jr. MacDonald accused Lewis of stepping out of his role as reporter "to engage in lobbying." He related that a Lewis broadcast last week had called upon listeners to wire the House Ways and Means Committee on a tax matter. A thousand wires were received in response to his broadcast—"many of them obviously form communications."

MacDonald was closely questioned by Louis Caldwell, attorney for WGN, who forced an admission from MacDonald that he could not say the extent to which the statement he had made represented the views of the National Farmers Union membership, since the matter had not been the subject of membership decision.

Barnow, for the Radio Writers Guild, said his organization is "astonished, in view of the democratic vitality and freedom of which radio has shown itself capable, when we find a broadcaster demanding that radio should be as free as newspapers."

Opposition to removal of the editorial ban came also from the CIO spokesman Henry Fleisher, saying he feared radio editorials would usually espouse the cause of large corporations, told the Commission that CIO has "watched with amazement and some concern" NAB efforts to break down the ban on editorializing because it seems "superficially at least to mark a break with the past. The history of labor's relations with radio broadcasters has been dotted with claims from the industry that certain subjects or types of programs—usually affecting labor's presentation of views—are too controversial."

Clergyman Heard

Rev. Carl McIntire, secretary of the American Council of Christian Churches, came out flatly for the lifting of the Mayflower ban. He called for "every possible freedom" for radio, and insisted that the bill of rights is not consistent with the Mayflower decision.

"The freedom guaranteed to the press under the Constitution should also be guaranteed to radio. The principles and issues are similar," he declared.

3-5-48

AP129 3/5/48

MORE AP97, RADIO HEARING, XXX FOR REBUTTAL.

JOHN W.STUDEBAKER, UNITED STATES COMMISSIONER OF EDUCATION, BACKED THE PLEA FOR THE RIGHT TO EDITORIALIZE ON THE AIR. SO DID ERIC JOHNSTON, PRESIDENT OF THE MOTION PICTURE ASSOCIATION OF AMERICA. BUT GEORGE N.SHUSTER, THE PRESIDENT OF HUNTER COLLEGE, ASKED THE F-C-C TO STICK TO ITS PRESENT "NO EDITORIALS" RULE.

STATIONS SHOULD BE GIVEN EDITORIAL FREEDOM, STUDEBAKER WROTE, TO HELP THEM CARRY OUT THE FCC'S AIMS OF "PRESENTING ALL SIDES OF IMPORTANT QUESTIONS FAIRLY, OBJECTIVELY AND WITHOUT BIAS." COLLEGES AND SCHOOLS WHICH OPERATE RADIO STATIONS, HE SAID, SOMETIMES HAVE DIFFICULTY FINDING SPOKESMEN FOR ALL SIDES OF CONTROVERSIAL QUESTIONS. HE SUGGESTED THAT THE STATION ITSELF SHOULD BE ABLE TO STEP IN AND GIVE OPINIONS "WHICH MIGHT OTHERWISE FAIL TO RECEIVE A HEARING." AND HE ADDED:

"SO LONG AS FREE COMPETITION OF DIFFERING POINTS OF VIEW FOR ACCEPTANCE IN THE MARKET PLACE OF IDEAS IS MAINTAINED, WHY SHOULD THE LICENSEE HIMSELF BE DENIED OPPORTUNITY TO COMPETE? DOES NOT THE LICENSEE'S (STATION OWNER'S) OBLIGATION OF PRESENTING ALL SIDES OF IMPORTANT QUESTIONS IMPLY A RIGHT, WHEN NEED BE, TO BALANCE THE VIEWS PRESENTED OVER HIS STATION, BY GIVING EXPRESSION TO HIS VIEWS? I THINK IT DOES."

JOHNSTON TOLD THE COMMISSION HE FEELS "VERY STRONGLY THAT NO INSTRUMENT OF EXPRESSION, INCLUDING THE RADIO, SHOULD BE RESTRICTED, OPENLY OR INDIRECTLY, IN THE EXERCISE OF FREE SPEECH GUARANTEED BY THE CONSTITUTION."

SHUSTER SAID EDITORIALIZING WOULD BE ACCEPTABLE ONLY IF RADIO OFFERED A "LETTERS TO THE EDITOR" FORUM IN WHICH THE EDITORIALS COULD BE CHALLENGED. HE SAID THIS ARRANGEMENT OBVIOUSLY WOULD BE VERY DIFFICULT TO CARRY OUT AND VERY HARD TO CONTROL. HE CONCLUDED:

"I AM THEREFORE INCLINED TO BELIEVE THAT IT WOULD BE MORE PRACTICABLE TO MAINTAIN THE SYSTEM IN PRACTICE, WHICH IS SIMPLY TO DISCOUNTENANCE SUCH EDITORIALIZING ALTOGETHER."

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3-5-48

(ATTENTION EDITORS)

WASHINGTON---THE AMERICAN FEDERATION OF LABOR TODAY JOINED ITS ADIO AFFILIATE UNIONS IN A CALL FOR OPPOSING REVERSAL OF THE FEDERAL AN ON RADIO EDITORIALIZING.

A-F-L SPOKESMAN BORIS SHISKIN RECOMMENDED, HOWEVER, THAT STATION WNERS BE ALLOWED TO STATE THEIR OWN VIEWS ON CONTROVERSIAL ISSUES--- ROVIDED EQUAL TIME AND EQUAL OPPORTUNITY WAS GIVEN TO OPPONENTS.

SHISKIN'S TESTIMONY FOLLOWED THAT DELIVERED BY OTHER RADIO UNION POKESMEN BEFORE THE FEDERAL COMMUNICATIONS COMMISSION IN WASHINGTON. HE COMMISSION IS HOLDING HEARINGS ON THE BAN.

ACTING CHAIRMAN OLIVER NICOLL OF THE BROADCAST UNIONS AND GUILDS SSOCIATION TOLD THE COMMISSION THAT RADIO WORKERS IN FIVE MAJOR CITIES RE UNANIMOUS IN THEIR OPPOSITION. NICOLL BELIEVES THAT A REVERSAL F THE 1941 DECISION WOULD PREVENT THE AMERICAN PUBLIC FROM HEARING OTH SIDES OF A CONTROVERSIAL ISSUE.

NATIONAL EXECUTIVE SECRETARY GEORGE HELLER OF THE AMERICAN FEDERATION F RADIO ARTISTS TOLD THE COMMISSION THAT NOTHING IN THE LAW REQUIRES EWSPAPERS TO OPERATE IN THE PUBLIC INTEREST. BUT A STATION OWNER, HE CONTINUED, IS PERMITTED TO USE A RADIO FREQUENCY FOR A GIVEN LENGTH OF TIME, ONLY IF HE DOES OPERATE IN THE PUBLIC INTEREST.

MRS. BELA SCHICK, REPRESENTING THE WOMEN'S COMMITTEE OF THE COUNCIL OF SOVIET-AMERICAN FRIENDSHIP, CHARGED THAT THE PRESENT NEWSCASTS CONTAIN TOO MUCH EDITORIALIZATION AS IS, AND CALLED SUCH PRACTICES "INCITEMENT TO WAR."

EG743P3/5

★ THE WEEK IN RADIO ★

Mayflower Hearing Gets Underway

By VAL ADAMS

DOZENS of witnesses presented views on editorializing to FCC in Mayflower hearing. Frank Stanton, Niles Trammell and Mark Woods led off the parade and came out strongly in favor of the right to editorialize. James Lawrence Fly, speaking for American Civil Liberties Union, defended the Mayflower ruling. So did many other witnesses not engaged in broadcasting as a business. Nathan Straus of WMCA, New York, suggested a station's right to editorialize up to 15 minutes a day.

Standard Radio Transcriptions, Hollywood, asked AFM to set date to begin collective bargaining. Firm said that if no date is set within 15 days, it assumes it has right to seek remedies outlined in Taft-Hartley law. . . . Giveaway jackpots hitting all time high. Number of free plugs in exchange for merchandise unprecedented.

American Tobacco Co. spending estimated half million for spot campaign in behalf Herbert Tareyton cigarettes. About 20 key markets to be used. . . . Toni Co. bought Thursday night half-hour on CBS, giving it five network shows. . . . Mutual's co-op sales jumped 99 per cent in last year. Web's 19 co-op programs have 700 local sponsors.

ET's expected to be widely used in Presidential campaigns. New recording studio ready for operation at Democratic National Committee headquarters in Washington. . . . Kenneth Fry named to head radio and television for Democrats. He'll have same post filled by Leonard Reinsch during last President election. . . . "Dewey for President" clubs in New Hampshire and Wisconsin already using commercial radio time. They're airing recorded excerpts from past Dewey speeches.

MBS attorneys looking into Zenith's failure to go through with a sponsorship deal which network says had been committed through Zenith's agency, MacFarland, Aveyard & Co. . . . Westinghouse Radio Stations, Inc., switching from NBC Spot Sales to Free & Peters, a national spot biz account hitting three million annually.

Baseball clubs in several major league cities considering going into commercial FM radio. Brooklyn Dodgers have already applied to FCC. . . . Radio can have its best year in '48 if it does a good selling and educating job on advertisers, said Eugene S. Thomas of WOR, New York. Radio must go after new industries, products and services, he added. . . . Metro-Goldwyn-Mayer building FM station in Beverly Hills.

CBS to use delayed transcribed repeats for affiliates which don't change to daylight saving time. First time that Columbia has ever invoked the daylight saving plan. . . . Czechoslovakia is "dead duck" as point of origin for news broadcasts. Country's new regime gave web correspondents varying reasons for the blackout. . . . Rural Radio Network, six-station FM chain in New York State, will use radio relay instead of phone lines. Three of the stations going on the air in May.

FCC asked networks for full data on their policies regarding FM affiliation. . . . Quota decreases imposed by foreign nations will cut export of radio receivers by U. S. manufacturers 50 per cent by end of year. RMA spokesmen say radio set production will drop 25 to 50 per cent this year.

William L. Shirer, MBS commentator, designated for One World Award for radio. . . . Protestant Radio Commission to be formally organized this month. Purpose is to aid and coordinate radio activities of all Protestant denominations.

NAB board earmarked $15,000 for "international activity." . . . Two Toronto stations voluntarily cut broadcasting day by three hours to help conserve electric power of CBC. . . . Radio complimented for its efforts in public service advertising by Charles G. Mortimer, Jr., veepee of General Foods and chairman of Ad Council.

Havana's new three million dollar Radio City to open March 13. . . . Senate Interstate Commerce Committee "disturbed" over possible results of superpowered stations. All AM licensees asked for statements on the subject. Committee to conduct hearings next month.

3-8-48

FCC Adjourns Mayflower Hea

WEST COAST OFFICES
Ralph Wilk, Manager
425 Hollywood Blvd. Phone: Gran
WASHINGTON BUREAU

Testimony Against Present Ruling Heard Friday

Washington Bureau, RADIO DAILY

Washington—Further hearings on the FCC's controversial Mayflower decision will resume April 19, Chairman Wayne Coy announced Friday at the conclusion of a full week of hearings. Motion Picture Association President Eric Johnston and Federal Education Commissioner John Studebaker filed

(Continued on Page 5)

Mayflower Hearings To Continue Apr. 19

(Continued from Page 1)

letters with the Commission opposing the Mayflower ruling. Johnson declared that the question seems to him to come down to one of interpretation of the first article of the Bill of Rights—"Congress shall make no law . . . abridging the freedom of speech or of the press."

"A Human Right"

The emphasis there, he said, "is placed on the right of the individual to speak, to utter, to express himself, by whatever means best suits his purpose and not alone through the press." "Freedom of expression is, in my opinion," Johnston wrote, "a human right, an individual right and not one confined to the practitioners of any particular profession of expression, but on the contrary given freely to all Americans, through whatever media might suit their purposes.

"It might be conjectured with reason that the authors of the bill of rights intuitively recognized that other media besides the press might some day be available to the individual—which, of course, has happened.

"We either believe in the guarantee of free speech or we don't; we either believe that freedom of utterance, freedom of expression and freedom of exhibition are inseparable, or we deny the clear intent of the Bill of Rights. Free speech cannot be compartmentalized, it is free for all media, or it is free for none. If it is not free for every media, then it is not free for the individual, and if it is not, the Bill of Rights becomes a bill of limitations.

Dr. Studebaker Heard

"For this reason, I feel very strongly that no instrument of expression, including the radio, should be restricted, openly or indirectly, in the exercise of free speech guaranteed by the Constitution."

Dr. Studebaker said he believes the Mayflower ban "impairs the ability of the licensee to discharge his obligations to present all sides of important questions, fairly, objectively and without bias." He said he feels that the ban prevents licensees from living up to this obligation which was also put forth by the FCC in its Mayflower decision.

Mayflower Supporters Heard

Again Friday the Commission heard statements urging that the Mayflower policy be retained. Among the witnesses were representatives of the various talent and craft guilds of the industry. All opposed any relaxation of the ban on editorializing.

Another letter, from President George Shuster, of Hunter College, New York, expressed support for the Mayflower decision. Dr. Shuster said, "Editorializing would be desirable only if something like a letter-to-the-editor arrangement were adopted. . . . A program on which criticisms of the editorial broadcasts of the day previous would be featured at the same time that the current editorial was put on the air."

O. Thomas Franklin, editorial supervisor of the news bureau of KYA, San Francisco, wrote in a personal capacity "to register the strongest possible approval of the Commission's opposition to editorializing by radio broadcasters. Equally, I am inflexibly opposed to the appeal by the broadcasting industry that radio newsmen be allowed to editorialize."

3-8-48

Routing:

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1771 N STREET, N. W. WASHINGTON 6, D. C. Vol. 16, No. 10, March 8, 1948

Mayflower Rule Hearing Opens in Capital; Three Major Viewpoints Heard During Week

¶ The President of the United States said that radio "must be maintained as free as the press."

¶ "No creature of Congress, such as the Federal Communications Commission," said Justin Miller, NAB president, "can do any of the things which the Constitution forbids Congress to do. Specifically . . . it can do nothing which abridges freedom of speech or press, within the limitations of the First Amendment."

¶ But the Federal Communications Commission of 1941 said: ". . . the broadcaster cannot be an advocate."

Ranging over the disputed ground between those opposed ideas, the long-awaited re-hearing of the "Mayflower" rule began Monday (1) in Washington, before the FCC sitting *en banc*. Opening with testimony by presidents of three nationwide networks, opposed to the abridging "Mayflower" rule, and proceeding through various shades of agreement and disagreement, the hearing was recessed at the close of Friday's testimony until April 19. Opponents of the rule, broadcasters themselves, isolated the field of controversy on Monday. Advocates of the abridging rule, through much of the week, seemed to be conducting several separate raiding operations on the fringes of the area.

Result of this preliminary skirmishing was that the week's witnesses divided themselves roughly into three general classifications, rather than a neat two-sided argument. Witnesses took positions for air editorials, against air editorials, and for editorials with qualifications and limitations.

For Editorial Right. A cohesive case for the right to editorialize was presented by the three network presidents, Mark Woods of ABC, Frank Stanton of CBS, and Niles Trammell of NBC, and several other witnesses. They contended that operation of radio in the public interest demands vigorous editorializing, that the FCC has no right to dictate program types or content, and that the prohibition would prevent radio from growing to its best form as a stimulant to public thinking.

Mr. Woods told the Commission that the "Mayflower" rule, while it prevents stations from furthering their own ends by editorializing, also stops radio from serving the best interests of the public.

Mr. Stanton said that there are only two bases for the rule, both invalid: the "scarcity theory" and the fear that radio editorials would be reactionary. The scarcity theory is already disproved by the fact that there are now more radio stations than newspapers, he

(Continued on page 180)

Second NORC Survey Shows People Approve Of Radio and Oppose Governmental Control

An impressive majority of the American people approves of the way radio is doing its job and opposes government control of broadcasting, the nationwide survey just completed for NAB by the National Opinion Research Center of the University of Chicago reveals.

The findings of the NORC survey were to be analyzed at a news conference luncheon in New York today (8) by Dr. Paul Lazarsfeld, of Columbia University, co-author of the book, *The People Look at Radio.* With 125 representatives of leading newspapers, network and station news staffs, magazines and other media, invited to the luncheon, plans were being made for complete revelation of the NORC results.

Based on a scientific sample of the population, the independent survey shows that 70% of the people feel that radio in their communities is doing an excellent or good job. This percentage compares with 59% saying that schools are doing excellent or good jobs, 63% approving the work of newspapers, 42% rating local government excellent or good, and 76% believing that churches are doing excellent or good work.

The survey represents the only effort to ascertain the direct reaction of the public to the presentation

(Continued on next page)

On the Inside

Representatives of news media have agreed to study Defense Secretary Forrestal's proposals to further insure security of military information. (p. 182)

Criticism of new questionnaires proposed by FCC has been invited by the Broadcasting Committee of the Advisory Council on Federal Reports. (p. 183)

Miss Pat Griffith has joined the NAB Washington staff to direct women's activities, including liaison with AWB. (p. 184)

NAB President Justin Miller has been presented with a bronze medal by the Annual Advertising Awards for "distinguished service to radio." (p. 184)

Plans for the 1948 NAB Convention, to be held during May in Los Angeles, have been further crystallized by a special NAB Board sub-committee. (p. 182)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1771 N St., N. W. WASHINGTON 6, D. C. Phone DEcatur 9300
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ROYAL V. HOWARD, *Director of Engineering*
FRANK E. PELLEGRIN, *Director of Broadcast Advertising*
DON E. PETTY, *General Counsel*
ROBERT K. RICHARDS, *Director of Public Relations*
ARTHUR C. STRINGER, *Director, FM Department*

TO EXPEDITE MAIL AND CALLS:

Be sure to address all communications with NAB to 1771 N Street, N. W., Washington 6, D. C. Neither the New York nor the Los Angeles office is now open.

Members are also reminded that the NAB telephone number was changed to DEcatur 9300 when the new headquarters building was occupied last year.

of news, entertainment, information, community service and a host of other features provided to the nation by the various mass media.

Answering a detailed question on various forms of government control, 76% opposed federal regulation of radio advertising, 65% opposed control of controversial issue programming, 67% were against control of over-all educational programming, 59% opposed government control of accuracy of radio news, and 52% were against control of profits of radio stations.

Advertising Preferred. Considering another approach to the same question, 76% said they would prefer radio programs as they now are, with advertising, to paying an annual license fee of $5 to get the same programs, if that were possible.

The NORC Survey was the second of its kind to be made by the research organization. The first survey, made in the winter of 1945-46, was analyzed by Dr. Paul F. Lazarsfeld and Harry Field in *The People Look at Radio,* published by the University of North Carolina Press.

Suggested originally by the National Association of Broadcasters, as a continuing nationwide appraisal of the public's attitude toward radio, as a means of assessing the job being done by radio, the survey is one of broad scope and detailed investigation.

Study Analyzed by Lazarsfeld. Analyzed again by Dr. Lazarsfeld, the new survey looks into public attitudes toward advertising, singing commercials, the market for serious and educational programs, and possible government regulation, among other subjects.

New subjects were added to this new survey's interview, and the phrasing of some questions was altered slightly to achieve greater precision in details.

Cited as an example of altered questions by Dr. Lazarsfeld in his analysis of the survey was the last survey's query on accuracy in news broadcasts. In the 1945 survey, the sample was asked: "Which of these powers do you think the Federal government should have over radio stations?" Among the powers listed was the one to "see to it that news broadcasts are truthful". Sixty-six per cent answered that the government should have this power.

Dr. Lazarsfeld explained that the question confused its hearers because it covered two elements. The new question asked: "Do you think that somebody—either the Federal government or the radio industry itself—should see to it that radio news broadcasts are accurate?"

Those answering "yes" were further asked: "Who do you think should do that—the Federal government, or the radio industry itself?"

A total of 52% said the radio industry should do it. Thirty per cent believed the government should do it, seven per cent thought nobody should, and 11% answered: "I don't know."

Probing into the listeners' attitude on commercials, the survey brings to light the fact that a minority, approximately 9 per cent of the audience, has a strong conviction against advertising over the radio. Dr. Lazarsfeld pointed out that the whole set of facts regarding the listeners' attitude toward commercials duplicates almost completely the findings of the first survey.

Singing Commercials? Investigating singing commercials, which Dr. Lazarsfeld's analysis said had recently "become the symbol of the controversy over commercial advertising," the survey added a new feature to its interview questions.

Answering the detailed question, 37% said they liked singing commercials better than the straight kind, 43% said they did not like them as well, 18% said it made no difference, and two per cent did not know.

Cross-checking the answers against those from people approving and disapproving commercial advertising in general, Dr. Lazarsfeld's analysis found that people approved of singing commercials who also expressed mild approval of advertising in general, preferred music to the spoken word in general programs, were not devoted to serious programs, and had a relatively less serious outlook.

Kits containing news releases, speech material, and the memorandum by Dr. Lazarsfeld analyzing the findings, were sent to NAB member stations in advance, to allow wide local release of the survey results. Broadcasters were urged to make speaking engagements with civic clubs, to utilize the prepared speech material.

Mayflower Rule Hearing Opens in Capital; Three Major Viewpoints Heard During Week

(Continued from page 179)

said, and the fear of reaction reflects an unjustified distrust of the broadcasting industry.

"Broadcasting today is only half free," he said. "It is entitled to the same freedom of expression as that exercised by other media of communication."

Mr. Trammell told the FCC that no Federal agency has the right to require radio stations to conform to

(Continued on next page)

any such practice, even though most responsible stations would take care to present all sides of a public controversy.

"No public authority," he said "should place restrictions on the freedom of expression of opinion over the radio."

John Dwight Sullivan, counsel for the Advertising Federation of America, speaking for 987 firms in the advertising, broadcasting and publishing fields, rested his case on the First Amendment. "A fundamental and constitutional principle is involved," he said, adding that barring a station or network from statement of its views violates the free-speech amendment to the Constitution, as well as the law which created the FCC itself.

John W. Studebaker, U. S. Commissioner of Education, and Eric Johnston, president of the Motion Picture Association of America, backed the industry's plea for the right to editorialize.

In a statement read into the record, Dr. Studebaker argued that the right to express its own opinions would better enable stations to present all sides of important questions "fairly, objectively, and without bias."

"So long as free competition of differing points of view for acceptance in the market place of ideas is maintained, why should the licensee himself be denied opportunity to compete?" asked the Education Commissioner.

Mr. Johnston, whose testimony was also presented in written form, argued "very strongly" against abridgement "in the exercise of free speech guaranteed by the Constitution." He said that "no instrument of expression . . . should be restricted, openly or indirectly."

The Reverend Carly McIntire, secretary of the American Council on Christian Churches, favored the right to editorialize because: "It is the public interest that the people of the community know where radio stations stand, just as the public knows today where newspapers stand on various issues and problems," and "radio should be as free as the press in every particular."

Against Editorial Right. Testifying in favor of the ban on editorials last week were James Lawrence Fly, former FCC chairman of the time of the "Mayflower" rule, now in private law practice and counsel for the Civil Liberties Union; the CIO; Saul Carson, radio editor of the *New Republic,* AFL broadcasting unions, and National Farmers Union.

Mr. Fly contended that the air belongs to the people, and that the public interest is best served by free speech that allows all sides of a controversy to be heard, but no expression of opinion by broadcasters themselves. He said that radio cannot be compared with the press because radio frequencies are limited, and because those who disagree with the broadcaster have no ready access to a microphone.

The CIO contended that radio is "big business, dependent on advertising," and would thus reflect a commercial point of view if allowed to editorialize. Joseph A. Beirne, president of the Communications Workers of America, added that the rule should be kept in force and enforced more rigidly.

Advance "Freedom Train" Schedule

The Freedom Train today is completing a week of general overhaul in the shops of the Atchison, Topeka & Santa Fe Railway System. The train will resume its itinerary tomorrow at Riverside, Calif.

Following is the schedule of the train for the week of March 22:

Monday (22)	Servicing day, Reno, Nev.
Tuesday (23)	Elko, Nev.
Wednesday (24)	Salt Lake City, Utah
Thursday (25)	Provo, Utah
Friday (26)	Ogden, Utah
Saturday (27)	Pocatello, Idaho
Sunday (28)	Servicing day, Pocatello

Mr. Carson suggested a "complaint bureau" in the FCC, to hear people who believe they have been injured by broadcasts, and FCC Chairman Wayne Coy said he was "interested in that proposal." Mr. Carson added that editorials on the air would lead to the "destruction of every regulatory power vested in the FCC."

Oliver Nicoll, acting chairman of the Association of Broadcast Unions and Guilds, told the Commission: "We are unanimous and firm in our stand to ask for continuation of the FCC's justified 'Mayflower Rule' and we oppose any reversal of any phases of this decision."

AFRA Secretary George Heller and NABET President J. R. McDonnell agreed with Nicoll.

For Editorials, But. Various shades of opinion on the controversial subject of editorializing were expressed by the remaining witnesses, including Nathan Straus, president of WMCA, New York; Morris Ernst, New York attorney and author of *The First Freedom;* Stanley Faulkner, counsel for the Voice of Freedom Committee, whose sponsors include Orson Welles, Dorothy Parker, Rockwell Kent, Paul Robeson and Edward G. Robinson; and Robert E. Cushman, operator of Cornell University's station, WHCU.

Mr. Straus said that stations should be allowed to air editorials, but limited to 15 minutes a day and required to give like time to opposing views. He told the Commission that his own station has broadcast dramatic programs expressing opinions on such controversial issues as minority rights and housing, suggesting that listeners write to the mayor and demand action.

"The beliefs, the hobbies, the prejudices of one man or one small group constitute the daily newspaper diet in 90 per cent of the communities of the United States," Mr. Straus said. "Here is an opportunity to give the people of one-newspaper cities a chance to hear a variety of editorial opinion."

Mr. Ernst agreed in part with Mr. Straus, that editorials should be permitted only on locally-owned stations, but disagreed on the other point, holding that where a station is a town's ony radio outlet, no editorials should be permitted. He added that a news-

(Continued on next page)

paper owner who also owns a radio station should not be allowed to editorialize, and that stations expressing their own opinions should be required to give opposition views time on forums.

Mr. Faulkner's testimony was devoted to a denunciation of what he described as "the great monopoly interest" that controls radio, and the "lords of monopoly" which have "caused American homes to be invaded with hysteria, international hate, and distrust which can only sow the seeds of another war."

Mr. Cushman told the FCC that the "Mayflower" rule "sharply restricts the scope and value" of the public service a station can render, but he favored prohibition of editorials on political candidates and issues. He said that stations should be free to voice opinions on matters of public welfare or local community interests.

President Earl McGill of the Radio Director's Guild said he subscribed to the belief that there is no reason why a station owner should not air his own views so long as FCC guaranteed full opportunity to the opposition for rebuttal.

M. S. Novik, executive secretary of the National Association of Educational Broadcasters, urged the Commission to "spell out" what it meant by "public interest, convenience and necessity."

A long list of additional witnesses will be heard when the hearing resumes in April.

News Media Representatives Meet to Talk Security Policy with Defense Secretary

Meeting with Secretary of Defense James Forrestal last Wednesday (3), 22 news media representatives, including NAB President Justin Miller, formed a committee of eight members who will study Mr. Forrestal's request for assistance in forming security policies and report its findings to the full committee within 30 days.

The problem, as outlined by Secretary Forrestal at Wednesday's conference, "is to prevent information which might endanger the United States from being given to a potential enemy." While assuming that news media and the armed forces would agree on "the importance of safeguarding highly classified information of our vital military projects," he acknowledged that there would be differences as to method and asked the group's "advice, assistance and guidance."

Emphasizing that "we do not have many military secrets," the Secretary of Defense told the news men: "Our lead over possible enemies is often a matter of only a few months on the technical side, and it is extremely dangerous to sacrifice that advantage by showing our hand."

The Secretary said he was confident that the average American would not complain at being denied information if he understood that its disclosure would endanger his safety.

"The question as to how far we can go in keeping the American public uninformed about technical progress in order to safeguard our real 'secrets' is a difficult one," the Secretary said.

Mr. Forrestal's plan for attacking the problem called for:

¶ Creation of a six-man "Security Advisory Council," composed entirely of civilians representing news media, which would advise the armed forces "in regard to security matters in general."

¶ Establishment by the armed forces in Washington of an Information Advisory Unit which would operate around-the-clock "to answer inquiries on security subjects and offer guidance to the news media."

Trial Period Suggested. Under Mr. Forrestal's proposal, the Information Advisory Unit would function according to rules drafted by the Advisory Council, would be staffed largely by civilians with news experience, and be headed by a member of the committee which met last week. He recommended that the Information Unit be established on a six months trial basis "to be abandoned at any time by decision of the Security Advisory Council."

The committee of eight, which will study the suggestion, is composed of B. J. McKelway, editor of the Washington *Star* and representative of the American Society of Newspaper Editors (who was elected chairman of the full group and ex-officio chairman of this committee); Judge Miller, Lyle C. Wilson, chief of the UP's Washington office; Relman Morin, AP Washington Bureau chief; William Chenery, publisher of *Collier's* and chairman of the National Association of Magazine Publishers' Editorial Committee; Perry Githens, editor of Popular Science Monthly and representative of scientific and technical magazines; Walton C. Ament, vice president and general manager, Warner Pathe News, representing all newsreels; and Gene Dawson, president of Aviation Writers Association.

In addition to Mr. Forrestal, the group heard discussion of the problem from the military standpoint by General Omar N. Bradley, chief of staff; Admiral Louis E. Denfeld, chief of naval operations; General Carl Spaatz, chief of staff, Air Force; and Major General Alfred M. Gruenther, director of the Joint Staff.

1948 NAB Convention Plans Crystallize

The unusually large number of inquiries received at NAB Headquarters indicates widespread interest throughout the industry in the forthcoming 26th Annual Convention to be held in Los Angeles, May 16 through 21.

At its recent meeting the Board of Directors named a special Board Sub-Committee on Convention Programs, made up of Howard Lane, WJJD, as chairman; Harold Fellows, WEEI; T. A. M. Craven, WOL; Robert T. Mason, WMRN; William B. Smullin, KIEM; William B. Way, KVOO.

On Wednesday (3) three of the members of this committee, Messrs. Lane, Fellows and Craven, met with President Justin Miller, Executive Vice President A. D. Willard, Jr., and Secretary-Treasurer C. E. Arney, Jr., in Washington and set up the tentative program for the Management Conference.

In line with the policy previously announced, the Conference will be programmed at the management level. While sales, program, production and other personnel will be welcome to attend, it is felt that they will derive a great deal more value from attendance at the District meetings which are scheduled to be held beginning in late July and running through to about the middle of October.

(Continued on next page)

The Management Conference program as tentatively approved by the committee is now being organized and effort is being made to secure top level talent to make up the various panels. It will be a fast running program consisting for the most part of panel discussions. Ample opportunity for discussion by the members follows the panels. The two luncheon speakers will be men who have a real message for broadcasters.

It is hoped that within the next two or three weeks a final announcement can be made respecting the programs and the names of those who will participate.

The program for the Engineering Conference is being arranged under the direction of Royal V. Howard, NAB engineering director, and Neal McNaughton, assistant director of engineering, with the assistance of the Engineering Executive Committee. Already they have received commitments from outstanding figures in the electronics field and a program of interest to engineers of member stations is assured.

Board Fixes Registration Fee. The Board fixed the registration fee for the Management Conference at $30.00 per person, to include two luncheons and the banquet; and the Engineering Conference at $15.00 per person to include two luncheons.

The banquet show gives promise this year of being the highest quality presentation yet to be given at any NAB Convention. An announcement regarding this will be forthcoming as plans are perfected.

Pre-registration and Hotel Reservation. The pre-registration and hotel reservation forms are now in the hands of the printer and will be mailed the latter part of this week. The hotel reservation forms will indicate the hotels in which NAB has optioned rooms and will give a complete list of other hotels in Los Angeles where arrangements for accommodations may be made direct by any who desires to do so.

As in previous years, registration will be limited strictly to the personnel of NAB active and associate members and to organizations which are not eligible to NAB membership, such as advertisers, agencies, etc.

Pre-registration is this year a prerequisite to a hotel reservation. In other words, the request for a hotel reservation must be accompanied by the registration fee, except for wives and members of the family and for necessary exhibit attendants. The cancellation of the registration will carry with it the cancellation of the hotel reservation.

In future issues of the REPORTS and Special Bulletins further detailed information with reference to the plans will be given.

Exhibitors Active. Indicating an interesting and attractive display of equipment and service materials, twenty-nine NAB Associate Members have already signed up for exhibit space at the convention. Additionally, many inquiries are on hand. A list of those who already have signed up follows:

Transcription Companies

Associated Program Service, Inc.
Commodore Productions and Artists
Harry S. Goodman Radio Productions
Lang-Worth Feature Programs, Inc.
C. P. MacGregor
Standard Radio Transcription Services, Inc.
World Broadcasting System, Inc.
Frederic W. Ziv Company

Equipment Manufacturers

Amperex Electronic Corporation
Andrew Company
Fairchild Camera and Instrument Corp.
Magnecord, Incorporated
Presto Recording Corporation
Rangertone, Inc.
Hermon Hosmer Scott, Inc.
Wincharger Corporation

Heavy Equipment Manufacturers

Collins Radio Company
Federal Telephone & Radio Corporation
Gates Radio Company
General Electric Company
Graybar Electric Company, Inc.
Radio Corporation of America
Raytheon Manufacturing Company
Western Electric Company, Inc.
Westinghouse Electric Corporation

FCC Service

Broadcast Service Bureau, Inc.

Others

Broadcast Music, Inc.
Broadcast Measurement Bureau, Inc.

Trade Paper

The Advertiser

IN THE OFFING

14th District Meeting	Mar. 22-23	Brown Palace Hotel Denver, Colo.
26th Annual Convention		
Management Conference	May 17, 18	Biltmore Hotel
Engineering Conference	May 20, 21	Los Angeles, Calif.

Broadcasters Asked to Criticize New Forms Proposed by Commission

The Broadcasting Committee of the Advisory Council on Federal Reports last week invited broadcasters to criticize new FCC application forms promulgated last fall and used since then on a trial basis, which are about to go to press.

The invitation came to the broadcasting industry by way of the U. S. Bureau of the Budget, which supervises issuance of forms by Federal agencies, and the Broadcasting Committee of the Advisory Council on Federal Reports. This committee, of which Ben Strouse, manager of WWDC, Washington, is chairman, has provided the Bureau of the Budget with technical assistance in the review of the forms proposed to be used by FCC. As chairman of the Committee, Mr. Strouse recently succeeded Wayne Coy who is now chairman of the FCC.

It was the belief of the Committee at its most recent meeting that while its membership is generally representative of the industry, there is no substitute for actual experience in having filled out these application

(Continued on next page)

forms for filing with the Commission. The Committee is concerned only with "procedural" matters and not with "policy" matters, according to its charter from the Advisory Council. On this basis the Committee has no authority to inquire into such matters, for example, as to whether or not the FCC may collect any information as to program content. Instead its consideration is confined to the kind of information which could be assembled without undue burden and which would be meaningful.

Address for Comment. Any licensee or other applicant who has had any trouble in preparing his application form is invited to communicate his experience to Russell Schneider, executive secretary, Advisory Council on Federal Reports, 1615 H Street, N. W., Washington 6, D. C.

The Advisory Council is composed of a group of business men who are sponsored by seven large national business organizations. It was organized five years ago on the invitation of the Director of the Bureau of the Budget.

The forms about which comment is invited are:

Form 301—Application for authority to construct a new Broadcast Station or make changes in an existing station.

Form 302—Application for new Broadcast Station License.

Form 303—Application for Renewal of Broadcast Station License.

Form 304—Application for Modification of an existing Broadcast Station License.

Form 314—Application for consent to assignment of Radio Broadcast Station Construction Permit License.

These forms in a number of cases include several sections used interchangeably. Among these are Legal Qualifications of Broadcast Applicant, Financial Qualifications of Broadcast Applicant, Statement of Program Service of Broadcast Applicant, Standard (or FM or television) Broadcast Engineering Data, and Antenna and Site Information.

These forms were made the subject of an intensive study by the Committee during 1947 and extensive revisions were made by the FCC. At the present time the Committee's project is an equally extensive study of FCC form No. 324, "Annual Financial Report of Networks to Licensees of Broadcast Stations."

Any comment which licensees have concerning this form would also be considered by the Committee and should likewise be sent to Mr. Schneider. At its recent meeting the Committee gave consideration to the desirability of recommendation to the Bureau of the Budget that the Commission amend its rules to permit filing of form No. 324 on a fiscal year basis. Final decision in this matter has been withheld pending the receipt of comment from the industry.

Chance to Be Vocal. "This is an opportunity" Mr. Schneider said, "for all radio broadcasters to become vocal with respect to any criticisms they may have of the existing FCC forms, to the extent that these forms may be burdensome or otherwise subject to improvement. The primary object of the Committee's invitation to the industry to make itself heard is not to agitate friction or discord but instead to improve the paperwork and the procedures."

Mr. Schneider added that this Committee representing the radio broadcasting industry has an enviable record of achievement and has so conducted its affairs as to have the fullest cooperation from both the Bureau of the Budget and the Federal Communications Commission.

Members of the Committee are, in addition to Mr. Strouse: C. T. Lucy, WRVA; Merle Jones, WCCO; James H. Neu, CBS-WTOP; Carl J. Burkland, CBS; Richard C. Steele, WTAG; Gus Margraf, NBC-WRC; Carleton D. Smith, NBC; Charles Barham, Jr., WCHV; Kenneth Berkeley, WMAL; H. J. Brennan, WJAS; John Elmer, WCBM; Herbert L. Pettey, WHN, and T. A. M. Craven, WOL.

C. E. Arney, Jr., NAB secretary-treasurer, is the Committee's secretary and Kenneth H. Baker, Director of Research for NAB, is assistant secretary to the Committee. The representative of the Bureau of the Budget who is liaison to the Committee is Mr. David E. Cohn.

NAB President Receives Advertising Award for Distinguished Service

"For his distinguished services to radio," NAB President Justin Miller was presented Friday (5) with a bronze medal which is given annually by the Annual Advertising Awards to the firm or person "who by contemporary services has added to the knowledge or techniques of radio advertising."

The award, one of four given in the radio and television field, was presented at a dinner Friday evening at New York's Waldorf Astoria. Other awards went to David Sarnoff, Chairman of the NBC Board, who was cited as the person who, during the past year, "contributed most to television as a service to the public and as a medium of advertising," and to two network programs.

The programs were "Theater Guild on the Air" sponsored on ABC by U. S. Steel, and handled by BBDO, for "outstanding skill in commercial production," and "Fibber McGee and Molly," sponsored on NBC by S. C. Johnson & Son, Inc., and handled by Needhan, Louis, and Brorby, Inc., Chicago, for contributing most "to radio advertising as a social force."

Citations are made in various advertising media by Annual Advertising Awards, an undertaking which began in 1924 and is currently sponsored by *Advertising and Selling* magazine.

Pat Griffith Joins NAB Washington Staff To Coordinate Women's Activities

Miss Pat Griffith, formerly director of information in the Washington bureau of the Manila *Evening News*, has joined the NAB staff as director of women's activities.

Miss Griffith's work will include coordination of the activities of the Association of Women Broadcasters with its parent organization, the NAB. Her office will

(Continued on next page)

be a part of the Public Relations Department of the Association in Washington.

Widely known as a broadcaster before joining the Manila *Evening News* Washington staff, Miss Griffith has written and produced programs on Washington radio stations since the war. She produced a series of television programs for WNBW, a 12-weeks series on WARL, Arlington, and a commentary program on WINX for a year.

During the war, Miss Griffith served in the Women's Army Corps, enlisting as a private in 1942 and leaving active duty as a captain in 1946. Stationed at the Pentagon, she worked in public relations on the staff of Col. Oveta Culp Hobby before going overseas as chief of the women's section, public relations office, in Gen. Douglas MacArthur's headquarters.

She was awarded the Bronze Star for her work in establishing this section, and for service in Australia, New Guinea, the Netherlands East Indies, the Philippines, and Japan. After the war, she was selected as one of the officers making the round-the-world tour of the War Department Special Mission.

Prior to the war, Miss Griffith had served as assistant to the manager of the Community Service department of WLS, Chicago, for four years. She was employed by WHO, Des Moines, Iowa, in the same capacity, for another four-year period.

A graduate of DePauw University, Greencastle, Ind., she makes her home at 3446 Connecticut Avenue in Washington.

Report on Internships Is Mailed

Radio News Internships for 1948, a booklet containing the third report on the internships project of the Council on Radio Journalism, Inc., has been mailed to NAB members. Accompanied by a letter from NAB President Justin Miller, the booklet contains reports from the internes and the stations in which they served.

Long-Term "Voice of America" Plans to Be Studied

Long-range policies for international broadcasting will be studied by a special sub-committee of the State Department's Radio Advisory Committee, it was decided Friday (5) at a meeting of the full committee in New York. Judge Justin Miller, NAB president, will serve as chairman of the sub-committee.

The advisory group recommended that the "Voice of America" be strengthened so that it will equal the international broadcasting efforts of any other country.

Two-Way Line Licks Bad Weather

The Minneapolis Advertising Club refused to be daunted by bad weather last week. When NAB Research Director Kenneth Baker was grounded by a zero ceiling enroute to address the group, the club's radio members quickly applied tricks of their trade. Not only did Dr. Baker address the group by direct line from Washington; he carried on discussion with club members after his talk via a two-way circuit.

▶ Broadcast Advertising *reports*

Free Time Deals Scored by NAB

The radio industry has recently received many requests for free time by commercial organizations.

One of them, The Washington State Fruit Commission, was reported by NAB member stations to be a "well organized, well financed organization that has spent hundreds of thousands of dollars in every media except radio, yet has always taken the position that as a matter of public service, the stations in the Northwest should throw their doors open to market their surplus crops."

The fruit commission representatives sent stations 100-word commercial announcements to publicize a cash prize contest about their fruit. Announcements were marked for the attention of station news editors.

NAB Small Market Stations Division sent the following letter to Washington State Fruit Commission, Yakima, Washington:

"NAB member stations have forwarded to us copies of 100-word commercial announcements, in behalf of Washington State Fruit Commission, which were requested to be broadcast FREE.

"As perhaps you know, the radio stations of Washington State, and throughout the nation, broadcast hundreds of thousands of announcements (about 2,600,000 annually) and approximately 34% of the daily program time free, in behalf of such charitable purposes and organizations as the American Red Cross, U. S. Savings Bonds, Our American Heritage, Fight Tuberculosis, The Crisis in Our Schools, Anti-Group Prejudice, Hospital Nurses, World Food Emergency, National Safety Campaign, Community Chest, U. S. Army, Navy, Marine Recruiting, and many other national, regional, and community campaigns.

"In one campaign alone, Veterans Administration, radio donated $7,500,000 worth of free time and talent. A total of 8,500,000,000 (8½ billion) listener impressions was tabulated by Veterans Administration for their radio programs, during the fiscal year 1947. Today, we have more than 2,000 AM and FM stations throughout the nation. Most of them are broadcasting the VA series, 'Here's to Veterans.'

"The broadcasting industry has given (and will continue to give) enormously of its time, talent and facilities. *However, the broadcasting industry is opposed to any efforts to obtain free use of station facilities for commercial advantage.*

"An NAB resolution, unanimously adopted, reads as follows:

'The maintenance and protection of the American system of broadcasting is predicated on the observance of sound business practices and high standards of ethics—both on the part of the stations and of those who would use its facilities.

'The NAB regards any effort on the part of any organization or interest which seeks commercial advantage through the free use of a station's facilities

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as being unsound, unwarranted and contrary to the best interest of the industry.

'It is the will of this association, therefore, that all such requests should be denied by its members and discouraged by every other means at their disposal.'

"We invite you to use the medium of radio on the basis of stations' quoted card rates. In that event, we are sure you will find that stations are willing to cooperate 100 per cent, and that the results of radio advertising, wisely and efficiently applied, will more than justify the expenditure.

"Your local radio stations' representatives will gladly discuss your advertising plans and methods for using radio effectively."

A similar letter was sent to National Association of Margarine Manufacturers (anti-margarine legislation), The Petroleum Industry (shortage of fuel oil where commercial angles are involved*) and others.

* Not to be confused with Advertising Council material.

▶ Programming *reports*

Continued Radio Aid for Freedom Train Assured As FCC Head Praises Efforts

Congratulations to American broadcasters on the "major role" they have played in making the Freedom Train's tour a success, and assurance of continued cooperation by the broadcasting industry, were contained in a recent exchange of letters between FCC Chairman Wayne Coy and NAB President Justin Miller.

"American broadcasters may well be proud of the major role they have played in welcoming the Freedom Train and assuring that the arrival of this Nation's most treasured documents would be known to all their listeners," Mr. Coy wrote.

Judge Miller had written to the FCC Chairman:

"The broadcasters of America, during the past year, have given willingly of their time and talent to spread the good work of the American Heritage Foundation and the Freedom Train far beyond the necessarily limited stops of the Train itself. In this work, the instantaneous character of radio has added wings to the Freedom Train, taking its message into communities not being visited, and encouraging Rededication Weeks in these communities as well. . . .

"Broadcasters throughout the nation will continue to bring this message to all Americans, in the effort to arouse them to renewed consciousness of their great heritage and their rights, as well as their duties as active and intelligent citizens."

The American Heritage Foundation, which sponsors the tour of the Freedom Train, has asked all radio stations to join in a good citizenship campaign for their communities as part of the national observance of 1948 as a Year of Rededication by all Americans to their heritage of freedom.

A radio fact sheet and broadcast material on the GOOD CITIZENSHIP point—"Taxation WITH Representation"—has been mailed to all radio stations by the Foundation's radio committee for use during the month of March.

This is the second of the nine basic points of GOOD CITIZENSHIP. Material on the first point—"The Home and the Family"—was supplied to stations during the month of February. Succeeding months' material will be:

April—Tolerance.
May—The Duty to Bear Arms.
June—Respect for Law
July—Community Responsibility.
August—Public Education.
September—Our Courts and Jury Duty.
October—The Right and Duty to Vote.

The American Heritage Foundation is an non-partisan, non-political citizens' organization headed by Winthrop W. Aldrich, chairman; William Green, Philip Murray and Robert G. Sproul, vice chairmen; and Thomas D'A Brophy, president.

Gardeners Asked to Help Food Production

America's home gardeners are being asked by the Government to help make 1948 another year of record food production—20 million Freedom Gardens is the goal for this year. With so much of the world suffering from hunger and malnutrition, and with the productive facilities of war-ravished lands only partially restored, Americans are being asked to share their relative abundance of food with less fortunate peoples abroad. Grain is the principal food needed for relief purposes, and although home gardeners do not grow wheat, rice or other cereals, they can produce food which will take the pressure off items needed for export and make them more readily available.

During the war years, "Victory Gardeners" growing over 18 million gardens each year supplemented our national food supplies to the extent of millions of tons. In addition to augmenting the world's supply of food, garden produce can greatly improve the American diet, especially this year when we are asked to eat less wheat products and less meat. Gardening also provides helpful recreation for every member of the family and cuts down the family's food budget.

This year's Freedom Garden program, therefore, adds up to the following: Plan and/or plant a Freedom Garden now to (1) increase the national food supply, taking pressure off food needed for export; (2) raise our nutritional standards by providing more fresh and preserved foods for daily consumption; (3) promote family health and recreation through gardening; (4) help reduce cost of living.

In general, the action program outlined above will apply to most parts of the country at this time. However, station managers interested in promoting Freedom Gardens will want to take into account regional variations in the program. For the most accurate and up-to-date information regarding the Freedom Garden project in their communities, station managers are urged to contact their local garden committee or County Agricultural Agents.

Airing of Income Tax Reminder Requested

Several million new tax-payers who have never filed a tax return before will have to do so for the first

(Continued on next page)

time this year. Other millions need to be reminded to file their returns before the March 15th deadline.

Tax-filing this year is expected to set a brand-new record of 55 million returns. Accordingly, the Bureau of Internal Revenue again requests the assistance of all radio stations in reminding taxpayers to file. Suggested short announcements have been mailed to all stations by the Bureau.

Ad Council Network Campaigns Are Listed

The following public interest campaigns have been given top priority on network and national spot allocation plans during the week of March 15-21, 1948, by The Advertising Council. Copies of individual fact sheets and schedules showing exactly what messages will be carried daily by the programs of the network with which your station is affiliated may be obtained on request from George P. Ludlam, radio director, The Advertising Council, 11 West 42nd Street, New York 18, New York.

1948 Red Cross Fund—March 1-31

March is the month for the annual fund drive of the American Red Cross. To finance this year's expanded program a goal of 75 million dollars has been set. . . . The Red Cross reaches into every community in this country, as well as overseas wherever American troops are stationed. It has continuing responsibility, under its congressional charter, for disaster relief and rehabilitation; it maintains an extensive program for U. S. servicemen here and abroad and for veterans of all this nation's wars. It must continue its health and safety programs, Volunteer Services and the Junior Red Cross whose value has been demonstrated in peace and war. In addition, the Red Cross this year embarks on a huge *new* project: the National Blood Program to provide blood and blood derivatives, without charge for the products, to the entire nation. The American Red Cross depends on the public for its support. With the Red Cross back on a peacetime basis, the people will want to know the reasons for the 75 million dollar goal for 1948. The answer lies in the magnitude of the Red Cross program. To insure success of the drive, the work of the Red Cross and the "WHY" of its major types of service must be explained. 1. DISASTER SERVICE. When disaster in any form strikes a community in the nation, or its possessions, the Red Cross goes into action at once to provide the basic needs of shelter, food, clothing and medical care. After the emergency is over Red Cross assists in rehabilitation of victims needing further help, by repairing and rebuilding homes, supplying household furniture and equipment, providing long-term medical and nursing care. Catastrophes in 1947 seriously depleted Red Cross disaster funds. These must be replenished. 2. THE NATIONAL BLOOD PROGRAM. The use of blood and plasma during World War II proved conclusively the vital importance of blood in saving lives and combating disease. Modern medical treatment depends to a great degree on ready availability of adequate supplies of blood and blood derivatives. The National Blood Program of the American Red Cross is being organized to provide sufficient quantities of these, without charge for the products, to the entire nation. 3. SERVICE FOR VETERANS. (a) In Veterans Hospitals a paid staff is assigned to coordinate and promote the work of Red Cross volunteers in serving hospitalized veterans. (b) Red Cross Claims Service, another major service for veterans, operates at points of separation where ARC field directors assist men and women in filing claims; in Red Cross chapters where Home Service workers assist veterans and dependents of deceased veterans; and in every regional and branch office of the Veterans Administration, and in its central office, where field directors represent claimants before VA officials. (c) *The Home Service program* provides assistance for servicemen, veterans and their dependents. 4. SERVICES TO THE ARMED FORCES. (a) Camp Service has its field directors wherever American forces are stationed to help with personal and family problems of servicemen and to bring them into closer contact with civilian life. (b) Hospital Service covers the social services provided by Red Cross in military and naval hospitals, at the request of the Surgeons General, to supplement the care given by medical officers. 5. SERVICES TO THE COMMUNITY. (A) Nursing services; (B) Nutrition service; (C) Safety services, (D) Volunteer special services. Urge listeners to give generously. It is *their* Red Cross . . . *they* are the Red Cross . . . serving humanity through their contributions. . . . (Fact Sheet No. 14-B)

Our American Heritage—"Freedom Is Everybody's Job!"

Today, many nations stand at the crossroads between free government and dictatorship. In numerous places the odds are heavily against freedom. Exhausted and unnerved by want and insecurity, millions have lost the impulse, incentive and hope for liberty. In despair, the individual has become willing to give himself up to mechanisms of political power over which he has no control. Those who still aspire to political, economic and religious freedom look to America as a beacon and as an example. Therefore, what Americans do during the months ahead can greatly influence the decision that the war-exhausted peoples will make. That their decision should be in favor of freedom is of the utmost importance to us. Since we cannot escape being affected by what happens in other parts of the world, our own future lies in the balance. We must face the fact that should the United States become one of a very few islands of free government in a world of dictatorships, our own rights and liberties would be seriously endangered. The survival of freedom as we know it thus depends on our providing an example of the superiority of free government. To do this we must make our form of government work better than it ever has before—and this depends on raising the level of active citizenship in the United States. 1. Make every American aware of—and determined to defend—the individual rights and liberties he enjoys in the United States. The Bill of Rights section of the United States Constitution protects his freedom of speech and press; his right to assemble and to petition the government; his right to be secure in his person and property against unlawful searches and seizures; his right to speedy trial by jury, etc. 2. Arouse his pride in the past of his country as the land of the free which has achieved the most complete expression of individual liberties, civil rights and personal dignity—pride in the American men and women who shed their blood for liberty—make him think of this as the Year of Rededication. 3. Inspire a more active participation by all citizens in the processes of free government, in the nation, state and community—and in every group activity—so that our heritage of liberty may be the code of our daily conduct. Freedom demands that each of us carry out to his fullest ability his duties as a citizen: to vote in an informed way so that the best man is placed in public office; to serve on juries, since only by such service can the right to trial by jury be maintained; to take an interest in public issues and participate in community, state and national affairs, such as school boards, primaries, etc. 4. Lead him to recognize that we have an obligation to the world to maintain our free institutions. By making our form of government work better here, we strengthen democracy everywhere—through providing an example of a free government preserving the rights and dignity of the individual. This American Heritage campaign is taking place during the Year of Rededication sponsored by the American Heritage Foundation, which is signalized by the visits of the Freedom Train to cities throughout the United States and the local observance of Rededication Weeks. The slogan of the campaigns is "Freedom Is Everybody's Job!" (Fact Sheet No. 40-A)

FCC DOCKET

The following hearings are scheduled to be heard before the Commission, Washington, D. C., at 10:00 A. M., unless otherwise indicated, during the week beginning Monday, March 8. They are subject to change.

Monday, March 8

Further Hearing

NEW—The Mt. Vernon Broadcasting Co., Mt. Vernon, Ohio C. P. **1340 kc.**, 250 watts, unlimited.

NEW—Mound Broadcasting Corp., Newark, Ohio—C. P. **1340 kc.**, 250 watts, unlimited.

NEW—Beer and Koehl, Ashland, Ohio—C. P. **1340 kc.**, 250 watts, unlimited.

NEW—The Zanesville Broadcasting Co., Zanesville, Ohio—C. P. **1340 kc.**, 250 watts, unlimited.

Radio Voice of Springfield, Inc., Intervenor.
WADC—Akron, Ohio, Intervenor.
WIZE—Springfield, Ohio, Intervenor.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—C. P. **1260 kc.**, 1 KW night, 5 KW day, unlimited; DA-night.

WERC—Presque Isle Broadcasting Co., Erie, Pa.—Order to Show Cause.

NEW—The Civic Broadcasters, Inc., Cleveland, Ohio— C. P. **1260 kc.**, 5 KW, DA-2, unlimited.

The Yankee Network, Inc., Intervenor.

WMMJ—Mid-State Broadcasting Co., Peoria, Illinois—C. P. **970 kc.**, 1 KW, DA(DA-2), unlimited.

NEW—Grain Country Broadcasting Co., Inc., Peru, Ill.—C. P. **980 kc.**, 500 watts, 1 KW, DA(DA-2), unlimited.

NEW—Public Broadcasting Service, Inc., Enid, Okla.—C. P. **960 kc.**, 1 KW, DA(DA-1), unlimited.

NEW—The Ponca City Publishing Co., Ponca City, Okla.—C. P. **960 kc.**, 500 watts, DA(DA-1), unlimited.

KAKC—Public Radio Corp., Tulsa, Okla.—C. P. **970 kc.**, 1 KW, DA, unlimited.

WBBZ—Adelaide Lillian Carrell, Ponca City, Okla.—C. P. **960 kc.**, 1 KW, DA(DA-2), unlimited.

KMA—Shenandoah, Iowa, Intervenor.
KOVO—Provo, Utah, Intervenor.
KOIN—Portland, Oregon, Intervenor pending.

Monday–Wednesday, March 8, 9 and 10

At Utica, N. Y.

(Court Room, Federal Bldg.)

NEW—Utica Observer Dispatch, Inc., Utica, N. Y.—C. P. **1230 kc.**, 250 watts, unlimited.

NEW—Hanna Broadcasting Co., Utica, N. Y.—C. P. **1230 kc.**, 250 watts, unlimited.

NEW—Utica Broadcasting Co., Utica, N. Y.—C. P. **1230 kc.**, 250 watts, unlimited.

Monday and Tuesday, March 8 and 9

At Deming, N. Mex.

(City Hall)

NEW—Ari-Ne-Mex Broadcasting Corp., Deming, N. Mex.—C. P. **1230 kc.**, 250 watts, unlimited.

NEW—Frank E. Cooke, Deming, N. Mex.—C. P. **1230 kc.**, 250 watts, unlimited.

At Crawfordsville, Ind.

(City Council Chamber)

NEW—Crawfordsville Broadcasting Ass'n, Crawfordsville, Ind.—C. P. **1340 kc.**, 100 watts, unlimited.

NEW—Journal-Review, Crawfordsville, Ind.—C. P. **1340 kc.**, 250 watts, unlimited.

Tuesday, March 9

NEW—Hotels & Theatres, Inc., Bluefield, W. Va.—C. P. **1400 kc.**, 250 watts, unlimited.

WBOB—Galax, Va., Party Respondent.

Wednesday, March 10

NEW—Woodward Broadcasting Co., Detroit, Mich.—C. P. DA, **840 kc.**, 5 KW, daytime.

WHAS—Louisville, Ky., Intervenor.

Thursday, March 11

WPAT—North Jersey Broadcasting Co., Inc., Paterson, N. J.—C. P. to include power, etc. DA day and night use, 5 KW, unlimited.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—C. P. to include power. **930 kc.**, 1 KW, unlimited.

NEW—Model City Broadcasting Co., Inc., Anniston, Ala.—C. P. **1390 kc.**, 1 KW, unlimited, DA.

NEW—Charles Wilbur Lamar, Jr., Morgan City, La.—C. P. **1450 kc.**, 100 watts, unlimited.

NEW—Marmat Radio Co., Bakersfield, Calif.—C. P. **970 kc.**, 5 KW, unlimited, DA-night.

KERO—J. E. Rodman, Bakersfield, Calif.—C. P. **970 kc.**, 5 KW, unlimited, DA-night.

KNOE—James A. Noe, Monroe, La.—Modification of C. P. **1390 kc.**, 5 KW, DA-night, unlimited.

NEW—Model City Broadcasting Co., Inc., Anniston, Ala.—C. P. **1390 kc.**, 1 KW, DA-night, unlimited.

Thursday and Friday, March 11 and 12

At Philadelphia, Pa.

(Room 3050, U. S. Court House, 9th and Market Sts.)

NEW—Daily News Television Co., Philadelphia, Pa.—For television facilities.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa.—For television facilities.

Friday, March 12

Oral Argument

(Before the Commission, en banc, Room 6121)

NEW—Elgin Broadcasting Co., Elgin, Ill.—C. P. **1490 kc.**, 250 watts, unlimited.

NEW—Village Broadcasting Co., Oak Park, Ill.—C. P. **1490 kc.**, 250 watts, unlimited.

NEW—Beloit Broadcasting Co., Beloit, Wis.—C. P. **1490 kc.**, 100 watts, unlimited.

NEW—Vincent G. Cofey, Elgin, Ill.—C. P. **1490 kc.**, 250 watts, unlimited.

NEW—Community Broadcasting Co., Oak Park, Ill.—C. P. **1490 kc.**, 250 watts, unlimited.

(Continued on next page)

NEW—Radio Wisconsin, Inc., Madison, Wis.—C. P. **1480 kc.**, 1 KW, unlimited, DA-night.

NEW—Edwin Mead, Rockford, Ill.—C. P. **1480 kc.**, 1 KW, DA, unlimited.

NEW—Metropolitan Houston Broadcasting Co., Houston, Texas—C. P. **1060 kc.**, 1 KW night, 5 KW day, DA, unlimited.

Further Hearing

WFMJ—The WFMJ Broadcasting Co., Youngstown, Ohio—Modification of C. P. **1390 kc.**, 5 KW, unlimited, DA-night.

Parties Respondent:

WWOD—Lynchburg, Va.
WCSC—Charleston, S. C.
WGES—Chicago, Ill.
KLPM—Minot, N. Dak.

FCC ACTIONS

AMPLITUDE MODULATION

AM—Docket Cases

530 KC.

The Commission announced its **Proposed Decision** (Commissioners Hyde and Webster not participating) looking toward a grant of the application of Harding College for construction permit to change frequency of its station **WHBQ, Memphis, Tenn.**, from 1400 kc. to 560 kc., and power from 250 watts to 1 KW night, 5 KW day, unlimited time, using DA day and night, subject to CAA approval of transmitter site and antenna system. (BP-5405; Docket 8047)

630 KC.

The Commission announced its **Decision** (Commissioners Coy and Sterling not participating; Commissioners Hyde and Jones dissenting) granting the application of American Broadcasting Corporation to change facilities of **Station WLAP, Lexington, Ky.**, from 1450 kc., 250 watts, unlimited time, to 630 kc., 1 KW night, 5 KW day, DA day and night (BP-4102; Docket 6973). At the same time the applications of Scripps-Howard Radio, Inc., to change facilities of **Station WCPO, Cincinnati, Ohio,** from 1230 kc., 250 watts, unlimited time, to 630 kc., 1 KW night, 5 KW day, DA day and night (BP-3989; Docket 6971), and **Queen City Broadcasting, Inc.,** for new station at **Cincinnati, Ohio,** to operate on 630 kc., 1 KW night, 5 KW day, DA day and night (BP-4103; Docket 6972) were denied.

(Commissioners Hyde and Jones voted to grant the application of Queen City Broadcasting, Inc.)

To follow AM—Docket Cases

AM—Licenses for New Stations Granted

690 KC.

WLTR—Bloom Radio, Inc., Bloomsburg, Pa.—Granted license for new station; 690 kc., 1 KW day, DA. (BL-2941)

1070 KC.

WKOW—Monona Broadcasting Co., Madison, Wis.—Granted license for new station; 1070 kc., 5 KW-DA, 10 KW-LS, unlimited time, and specify studio location. (BL-2955)

1220 KC.

KWRT—Interlaken Broadcasting Corp., Benton, Wash.—Granted license for new station; 1220 kc., 250 watts; daytime. (BL-2846)

1240 KC.

KRNO—Western Empire Broadcasters, Inc., San Bernardino, Calif.—Granted license for new station; 1240 kc., 250 watts, unlimited time. (BL-2931)

WSFC—Southeastern Broadcasting Co., Inc., Somerset, Ky.—Granted license for new station; 1240 kc., 250 watts; unlimited time. (BL-2866)

1340 KC.

KPIX—San Luis Obispo Broadcasting Co., San Luis Obispo, Calif.—Granted license for new station; 1340 kc., 250 watts, unlimited time, and to specify studio location. (BL-2899)

1400 KC.

WGAP—Gateway Broadcasting Co., Marysville, Tenn.—Granted license for new station; 1400 kc., 250 watts, unlimited time. (BL-2611)

1450 KC.

WXLT—Charles W. Ingersoll, Ely, Minn.—Granted license for new station; 1450 kc., 250 watts, unlimited time. (BL-2960)

WLEC—Lake Erie Broadcasting Co., Sandusky, Ohio—Granted license for new station; 1450 kc., 250 watts; unlimited time. (BL-2848)

1470 KC.

WJOC—Air Waves, Inc., Jamestown, N. Y.—Granted license for new station; 1470 kc., 1 KW day, and to specify studio location. (BL-2954)

1520 KC.

WHOW—Cornbelt Broadcasting Co., Clinton, Ill.—Granted license for new station; 1520 kc., 1 KW, daytime. (BL-2597)

1600 KC.

KOGT—Sabine Area Broadcasting Corp., Orange, Tex.—Granted license for new station; 1600 kc., 1 KW, DA-night, unlimited. (BL-2946)

AM—Modification of CP's Granted

KTXN—Thomas G. Harris, et al., Austin, Texas—Granted modification of CP for approval of antenna and transmitter location, and to specify studio location. (BMP-3553)

KBZY—Itasca Broadcasting Co., Grand Rapids, Minn.—Granted modification of CP to change type of transmitter. (BMP-3827)

WASA—The Chesapeake Broadcasting Corp., Havre de Grace, Md.—Granted modification of CP for approval of antenna, transmitter and studio locations. (BMP-3539)

KSMI—Seminole Broadcasting Co., Seminole, Okla.—Granted modification of CP for approval of antenna, transmitter and studio locations. (BMP-3428)

WHBO—Sulphur Springs Broadcasters, Sulphur Springs, Fla.—Granted modification of CP for approval of antenna and transmitter location, and to specify studio location. (BMP-3478)

WCDT—Arthur D. Smith, Jr., Winchester, Tenn.—Granted modification of CP for approval of antenna, transmitter and studio locations. (BMP-3477)

KXLL—Western Montana Associates, Missoula, Mont.—Granted modification of CP for extension of completion date to 3-1-48. (BMP-3661)

WVOT—Wilson Radio Co., Wilson, N. C.—Granted modification of CP to change studio location. (BMP-3629)

The following were authorized extension of completion dates as shown:

KROW, Oakland, Calif., to 9-1-48 (BMP-3631); WSOY, Decatur, Ill., to 5-1-48 (BMP-3632); WJLB, Detroit, Mich., to 7-1-48 (BMP-3638); WMBD, Peoria, Ill., to 9-28-48 (BMP-

(Continued on next page)

3634); KYES, Butte, Mont., to 8-14-48 (BMP-3640); KHBC, Hailo, T. H., to 8-31-48 (BMP-3636); WTMA, Charleston, S. C., to 4-1-48. (BMP-3635)

Miscellaneous Actions

The Fairfield Broadcasting Co., Waterbury, Conn.—Granted petition for leave to amend application for CP (BPCT-204; Docket 8624) to combine the interests of petitioner and a competing applicant, American-Republican, Inc., Waterbury, Conn. (BPCT-280; Docket 8775), to change applicant's name to The Nutmeg State Broadcasting Co., and accepted said amendment.

KTRM—KTRM, Inc., Beaumont, Tex.—Granted petition for leave to amend application for modification of license (BML-1269; Docket 8534) to specify 1 KW, using DA at night, in lieu of 250 watts; accepted said amendment and removed application from hearing docket.

Inter-City Broadcasting Co., Providence, R. I.—Granted petition for leave to amend application for CP to change antenna site, antenna height above average terrain, and change application to show technical changes corollary thereto; accepted said amendment. (BPH-1301; Docket 8496)

Santa Rosa Broadcasting Co., Santa Rosa, Calif.—Denied petition to change place of hearing on its application (BP-5855; Docket 8247) from Washington, D. C., to Santa Rosa, Calif.

WBIR—Radio Station WBIR, Inc., Knoxville, Tenn.—Granted license covering installation of new vertical antenna and ground system and change in transmitter location. (BL-2957)

KOWH—World Pub. Co., Omaha, Neb.—Granted CP to install new transmitter and change transmitter location, employing the supporting structure of KOAD-FM as the vertical antenna. (BP-6578)

KRDU—Radio Dinuba Co., Dinuba, Calif.—Granted petition for leave to amend application for CP (BP-5691; Docket 8585) to substitute for applicant partnership a corporation known as "Radio Dinuba Co."; accepted said amendment.

The Civic Broadcasters, Inc., Cleveland, Ohio—Action on petition for leave to enlarge issues in consolidated hearing on applications of The Civic Broadcasters, Inc., Cleveland, Ohio; WLEU, Erie, Pa., and WERC, Erie, Pa., was passed over at request of counsel for petitioner. (Dockets 8269, 6913, 8160)

KSTT—Davenport Broadcasting Co., Inc., Davenport, Iowa—Granted petition for leave to amend application for CP (BP-5984; Docket 8309) to change its proposed DA and supply technical data corollary thereto; accepted said amendment.

Capitol Broadcasting Co., Trenton, N. J., and WSWZ, Inc., Trenton, N. J.—Granted petition for continuance of consolidated hearing on applications for CPs (BP-4832, Docket 8083; BP-5590, Docket 8084); continued hearing to March 18, 1948.

The following actions were taken by Commissioner Walker February 26:

Jorama-Fer Radio Corp., Caguas, P. R., and Caguas Radio Broadcasting, Inc., Caguas, P. R.—Granted petition for continuance of consolidated hearing on applications for CPs (BP-5174, Docket 7998; BP-5475, Docket 7999); continued hearing to March 22, 1948.

WTOM—Fred O. Grimwood, Bloomington, Ind.—Granted petition for continuance of hearing on application for modification of CP (BMP-2669; Docket 8451); and continued hearing to April 1.

WANN—Annapolis Broadcasting Corp., Annapolis, Md.—Granted CP for installation of a new transmitter. (BP-6591)

KSJO—Santa Clara Broadcasting Co., San Jose, Calif.—Granted license covering installation of DA for night use, change hours of operation to unlimited and increase power to 500 watts night, 1 KW-LS. (BL-2895)

KMYC—Marysville-Yuba City Broadcasters, Inc., Marysville, Cal.—Granted license covering changes in transmitting equipment, installation of new vertical antenna and mount FM antenna on top of AM tower. (BL-2947)

KXLW—St. Louis County Broadcasting Co., Clayton, Mo.—Granted license covering installation of new transmitter. (BL-2625)

WMOB—Nunn Broadcasting Corp., Mobile, Ala.—Granted license to make changes in antenna and mount FM antenna on top AM tower and change transmitter location. (BL-2919)

KDB—Don Lee Broadcasting System, Santa Barbara, Cal.—Granted CP to install a new vertical antenna, and change transmitter and studio locations. (BP-6507)

WLBZ—Eastland Broadcasting Co., Bangor, Maine—Granted modification of license to change name of licensee corporation to Main Broadcasting Co. (BML-1286)

WPUV—Southwest Broadcasting Corp., Pulaski, Va.—Granted CP to install a new transmitter. (BP-6588)

WAKR—Summit Radio Corp., Akron, Ohio—Granted license covering changes in DA for night use, and changes in ground system. (BL-2951)

KLBM—Inland Radio, Inc., LaGrande, Ore.—Granted CP to install a new transmitter. (BP-6590)

WGLN—Glens Falls Publicity Corp., Glens Falls, N. Y.—Continued the consolidated hearing on its application and that of Granite State Broadcasting Co., Inc. (Dockets 8404 and 8565) scheduled for March 3 to March 22.

WFCI—Pawtucket Broadcasting Co., Pawtucket, R. I.—Continued the hearing scheduled for March 3 to March 8 at Pawtucket. (Docket 8416)

Mt. Pleasant Broadcasting Co., Mt. Pleasant, Tex.—Continued hearing scheduled for March 4 to March 18 in re Docket 8254.

WTYS—John H. Phipps, Marianna, Fla.—Adopted order granting petition to the extent only that the condition upon which its CP (BP-5372) was granted is modified to provide that operation of station WTYS shall not commence until station WTAL commences operation on 1270 kc., and in all other respects petition is denied.

The Midwestern Broadcasting Co., Toledo, Ohio—Action on petition requesting leave to amend application for CP (BP-6421; Docket 8685) was passed over until such time as the amendment is formally filed with the Commission.

Pilgrim Broadcasting Co., Boston, Mass.—Granted petition for leave to amend application for CP (BP-5362; Docket 8568) to show election of one new officer and four new directors of corporation from among the existing directors; accepted said amendment.

Viking Broadcasting Co., Newport, R. I.—Granted petition for leave to amend application for CP (BP-5953; Docket 8284) to reflect a change in stockholders and officers of corporation, to add financial statements of two new stockholders; accepted said amendment.

Douglas L. Craddock, Leakesville, N. C.—Granted petition for continuance of hearing on application for modification of license (BML-1253; Docket 8427); continued hearing to April 2, 1948.

WJMO—WJMO Broadcasting Co., Cleveland, Ohio—Granted petition requesting that WJMO Broadcasting Co. be substituted for W. J. Marshall as a party to the consolidated proceeding (Docket 7756 and 8718); and accepted its appearance filed simultaneously with the petition.

Fairfield County Broadcasting Co., Norwalk, Conn.—Granted petition for late acceptance of its written appearance in proceeding on its application. (BP-6460; Docket 8717)

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted petition to dismiss without prejudice its application for CP. (BP-5555; Docket 8315)

WMPS—WMPS, Inc., Memphis, Tenn.—Granted petition to dismiss without prejudice its application for modification of CP. (BP-2388; Docket 8316)

(Continued on next page)

Surety Broadcasting Co., Charlotte, N. C.—Dismissed as moot petition for continuance of hearing in re application for CP. (BP-6088)

American-Republican, Inc., Waterbury, Conn.—Granted petition to dismiss without prejudice its application for CP. (BPCT-280; Docket 8775)

Corn Palace City Radio Corp., Mitchell, S. D.—Granted petition for leave to amend application for CP to specify a different daytime DA system and change technical data corollary thereto; accepted said amendment. (BP-5742; Docket 8195)

Blackhawk Broadcasting Co., Sterling, Ill.; WTAX—WTAX, Inc., Springfield, Ill.—Continued consolidated hearing on applications (BP-5409, Docket 8179; BP-5588, Docket 8180) to March 18, 1948.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.; KFRE—J. E. Rodman, Fresno, Calif.—Granted petition for continuance of hearing on applications (BP-3909, Docket 7601 and BP-3757, Docket 7125); continued hearing to May 6, 1948.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted petition for continuance of hearing on application (BP-5733; Docket 8480); continued hearing to March 23, 1948.

Ari-Ne-Mex Broadcasting Co., Clayton, N. Mex.—Granted petition for continuance of hearing on application (BP-5879; Docket 8502); continued hearing to June 7, 1948.

The Farmington Broadcasting Co., Farmington, N. Mex.—Continued hearing on application (BP-5713; Docket 8725) to March 19, 1948.

The Midwestern Broadcasting Co., Toledo, Ohio—Granted petition for leave to amend application for CP (BP-6421; Docket 8685) to revise technical data with respect to photographs of proposed antenna site, interference with existing stations, and population and area proposed to be covered; accepted said amendments.

KIEV—Cannon System, Ltd., Glendale, Cal.—Granted license covering installation of a new transmitter. (BL-2948)

Benlee Broadcasting Co., Patchogue, N. Y.—Granted petition for late acceptance of its written appearance in proceeding on application for CP (BP-6150; Docket 8673)

The Connecticut Electronics Corp., Bridgeport, Conn.—Granted petition for continuance "for a reasonable period of time" of consolidated hearing on its application (BP-5375; Docket 8239) and application of Westco Broadcasting Corp., White Plains, N. Y. (BP-5899; Docket 8240); continued said hearing to April 5, 1948 at Bridgeport, Conn., and April 6, 1948 at White Plains, N. Y.

1200 KC.

WHLD—The Niagara Falls Gazette Pub. Co., Niagara Falls, N. Y.—Adopted order dismissing amendment to WHLD application (BP-3879, Docket 8825 to change from 1290 kc., 1 KW, day, to 1200 kc., 1 KW, limited time) to increase power to 10 kc., install DA and change transmitter site; designated application requesting 1200 kc., 1 KW, limited time, for hearing in consolidated proceeding with applications of Erie Broadcasting Corp., Buffalo, N. Y. (BP-6206, Docket 8495) and Concord Broadcasting Corp., Niagara Falls (BP-5825, Docket 8223) and made WHAM party to proceeding. Continued consolidated hearing to April 7 and 8, 1948.

1600 KC.

Baker Broadcasting Co., Fresno, Calif.—Granted petition for leave to amend application for CP to specify 1600 kc., 1 KW, daytime only, in lieu of 1600 kc., 1 KW, unlimited time, using DA; accepted said amendment, and removed application from hearing docket. (BP-6140; Docket 8604)

AM—Applications Accepted for Filing

560 KC.

KMON—Montana Farmer Broadcasting Corp., Great Falls, Mont.—Modification of construction permit (BP-5866, as modified, which authorized a new standard broadcast station) for extension of completion date.

WFIL—Triangle Publications, Inc. (The Philadelphia Inquirer Division), Philadelphia, Pa.—Modification of construction permit (B2-P-4303, as modified, which authorized increase in power, installation of new transmitter and directional antenna for day and night use and change transmitter location) for extension of completion date.

WGAI—The Advance, Inc., Elizabeth City, N. C.—Construction permit to change hours of operation from daytime to unlimited time, increase power from 500 watts day to 1 KW day and 500 watts night and install directional antenna for day and night use.

590 KC.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Modification of license to adjust the directional antenna system.

620 KC.

KNGS—Hanford Publishing Co., Hanford, Calif. (Stanley S. Beaubaire & W. Keith Topping)—License to cover construction permit (B5-P-4869, as modified) which authorized a new standard broadcast station.

KNGS—Hanford Publishing Co., Hanford, Calif. (Stanley S. Beaubaire and W. Keith Topping)—Voluntary assignment of construction permit from Stanley S. Beaubaire and W. Keith Topping d/b as Hanford Publishing Co. to Stanley S. Beaubaire and Samuel H. Beaubaire d/b as Hanford Publishing Co.

640 KC.

WHKK—United Broadcasting Co., Akron, Ohio—License to cover construction permit (BP-6502), which authorized to install a new transmitter.

WHKK—United Broadcasting Co., Akron, Ohio—License to cover construction permit (BP-6503), which authorized to install old main transmitter at present location of main transmitter, to be used for auxiliary purposes with power of 1 KW, employing directional antenna.

660 KC.

KSKY—Sky Broadcasting Service, Dallas, Tex. (a partnership composed of A. L. Chilton, Leonore H. Chilton and James Ralph Wood)—Construction permit to make changes in vertical antenna and mount FM antenna on top of AM tower.

690 KC.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Construction permit to change frequency from 1290 to 690 kc., change hours of operation from unlimited to daytime and increase power from 5 KW to 10 KW, install new transmitter and new vertical antenna, and change transmitter location from Anderson Road, 3½ miles West by North of Savannah, Ga., to: to be determined in or near Savannah, Ga. AMENDED to change hours of operation from daytime to unlimited, install directional antenna for night use and change transmitter location from: to be determined Savannah, Ga., to Silk Hope Farms, Lot 160 on Ogeeche Road, U. S. Route No. 17 approx. 6 miles west of Savannah, Ga.

KBGS—Radio St. Louis, St. Louis, Mo. (Edwin Wiley Grove, III, James Henry Grove and William Blum, Jr., a partnership)—Voluntary assignment of construction permit from Edwin Wiley Grove, III, James Henry Grove and William Blum, Jr., a partnership d/b as Radio St. Louis to Radio St. Louis, Inc.

710 KC.

KMPC—KMPC, The Station of the Stars, Inc., Los Angeles, Calif.—Modification of construction permit (B5-P-4065, as modified, which authorized increase in power, installation of new transmitter and change in directional antenna for night use) for extension of completion date.

800 KC.

KTOW—Sooner Broadcasting Co., Oklahoma City, Okla.—License to cover construction permit (BP-5950), which au-

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thorized a new standard broadcast station and change studio location.

KBUH—Samuel L. Stephens, Sr., Brigham City, Utah—License to cover construction permit (BP-5721, as modified), which authorized a new standard broadcast station and authority to determine operating power by direct measurement of antenna power.

850 KC.

WXKW—Champlain Valley Broadcasting Corp., Albany, N. Y.—Modification of construction permit (B1-P-4740, as modified, which authorized a new standard broadcast station) for extension of completion date.

900 KC.

Northwestern Theological Seminary and Bible Training School, Minneapolis, Minn.—Construction permit for a new standard broadcast station to be operated on 900 kc., power of 1 KW and daytime hours of operation. AMENDED re officers and directors.

910 KC.

WPFB—Paul F. Braden, Middletown, Ohio—Modification of license to change hours of operation from daytime to unlimited time and change power from 1 KW to 1 KW day and 100 watts night.

NEW—William C. Grove, Denver, Colo. (P. O. 2110 Park Place, Cheyenne, Wyo.)—Construction permit for a new standard broadcast station to be operated on 910 kc., power of 1 KW, and hours of operation sharing time with KPOF.

920 KC.

KRAM—Boulder City Broadcasting Co., Las Vegas, Nev.—Construction permit to change hours of operation from daytime to unlimited time, increase power from 1 KW day to 1 KW day and 500 watts night and install directional antenna for night use.

930 KC.

NEW—Valley Broadcasting Corp., Holyoke, Mass. (P. O. Box 924, Holyoke, Mass.)—Construction permit for a new standard broadcast station to be operated on 930 kc., power of 500 watts and daytime hours of operation.

950 KC.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit to change hours of operation from daytime to unlimited time, install a new transmitter and directional antenna for day and night use and change transmitter location and change power from 1 KW night, 5 KW day, to 5 KW. AMENDED to change directional antenna patterns.

960 KC.

KOVO—KOVO Broadcasting Co., Provo, Utah—Modification of construction permit (B5-P-3667, which authorized to change frequency, increase power, install new transmitter and directional antenna for night use and change transmitter location), for extension of completion date.

970 KC.

NEW—Lincoln Broadcasting Co., Springfield, Ill. (Gordon Sherman, Alexander Buchan, Melvin Feldman, Sol Binkin and Robert Weiner) (P. O. 1931 South Glenwood Ave.)—Construction permit for a new standard broadcast station to be operated on 970 kc., power of 1 KW and unlimited hours of operation.

980 KC.

WHWL—Radio Anthracite, Inc., Nanticoke, Pa.—Construction permit to change frequency from 730 to 980 kc., increase power from 1 KW day to 500 watts night, 1 KW day, change hours of operation from daytime to unlimited time, install new transmitter and directional antenna for night use and to change transmitter location from on SW side of U. S. Highway 11, approx. 1½ miles N. 30° E of Nanticoke, Pa., to: near the intersection of Garfield and Deitrich Streets in the Honey Pot Section of Nanticoke, Pa.

1010 KC.

WINS—The Crosley Broadcasting Corp., New York, N. Y.—Modification of construction permit (B1-P-3026, as modified, which authorized change in frequency, increase in power, change hours of operation, installation of new transmitter and directional antenna) for extension of completion date.

1050 KC.

KRKL—East Side Broadcasting Co., Kirkland, Wash. (F. L. Thornhill)—License to cover construction permit (B5-P-5363, as modified), which authorized a new standard broadcast station.

1080 KC.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Modification of construction permit (BP-5690, as modified, which authorized to increase power, install new transmitter and new directional antenna for day and night use and change transmitter location) for extension of completion date.

1100 KC.

WLBB—Carroll Broadcasting Co., Inc., Carrollton, Ga.—Construction permit to reinstate construction permit (B3-P-5645, which authorized the installation of new transmitter) to be operated on 1100 kc., 250 watts and daytime hours of operation.

1130 KC.

KYOR—Silver Gate Broadcasting Co., San Diego, Calif. (Albert E. Furlow, Frank C. Forward, Roy M. Ledford, Fred H. Rohr and Mary W. Hetzler)—Modification of construction permit (B5-P-5438, which authorized to increase power, change hours of operation, install new transmitter and directional antenna for day and night use and change transmitter location) for extension of commencement and completion dates.

1150 KC.

WTYC—Tri-County Broadcasting Co., Rock Hill, S. C. (W. G. Reid and O. Frank Thornton)—Modification of construction permit (BP-6409, which authorized a new standard broadcast station) to change type of transmitter, for approval of antenna and transmitter location at Corner Highway 21 A and Tucker St., Rock Hill, S. C., and to specify studio location as Marshall Hotel, Rock Hill, S. C.

WDEL—WDEL, Inc., Wilmington, Del.—Construction permit to make changes in directional antenna and mount FM antenna on AM tower and change transmitter location from N.E. Boulevard-Bellevue Ave. and 35th Street, 1.6 miles N.E. of city, Wilmington, Del., to 5 miles north of Wilmington, New Castle, Del.

1170 KC.

KPUG—Bellingham Broadcasters, Bellingham, Wash. (Jessica L. Longston, Edward J. Jansen, C. V. Zaser and L. Berenice Brownlow)—Modification of construction permit (B5-P-4893, as modified, which authorized a new standard broadcast station) to make changes in directional antenna system.

1190 KC.

NEW—Cotton Belt Broadcasting Co., Greenville, Miss. (David M. Segal) (P. O. % David M. Segal, % Radio Station KTFS, Texarkana, Tex.)—Construction permit for a new standard broadcast station to be operated on 1190 kc., power of 1 KW and daytime hours of operation.

1230 KC.

NEW—Kenneth D. Juhlin and Mary I. Juhlin, Long Beach, Wash. (P. O. Box 814, Seaview, Wash.)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation. Contingent upon KAST being granted a change of facilities.

WNOK—Palmetto Radio Corp., Columbia, S. C.—License to cover construction permit (BP-6504) which authorized installation of new transmitter.

WLOG—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Authority to determine operating power by direct measurement of antenna power.

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WPUV—Southwest Broadcasting Corp., Pulaski, Va.—Authority to determine operating power by direct measurement of antenna power.

KYNG—Idaho Falls Broadcasting Co., Idaho Falls, Idaho—Modification of construction permit (B5-P-4599, as modified, which authorized a new standard broadcast station) for extension of completion date.

NEW—John R. Tomek, Wausau, Wis. (P. O., Suite 604, First American State Bank Bldg.)—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts and unlimited hours of operation.

1240 KC.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Authority to determine operating power by direct measurement of antenna power.

1250 KC.

NEW—Lamar County Broadcasting Co., Paris, Tex. (a partnership composed of Cecil Hardy, Charles L. Cain, Merl Saxon, O. E. Smith and J. T. Smith) (P. O. Box 326, Denison, Tex.)—Construction permit for a new standard broadcast station to be operated on 1250 kc., power of 1 KW and daytime hours of operation.

WLPO—The LaSalle County Broadcasting Co., LaSalle, Ill. (F. F. McNaughton and Louis F. Leurig, a partnership)—Construction permit to change frequency from 1220 to 1250 kc., increase power from 250 watts to 500 watts, change hours of operation from daytime to unlimited time, install new transmitter and directional antenna for day and night use.

KPAC—Port Arthur College, Port Arthur, Tex.—Modification of construction permit (B3-P-5125, as modified, which authorized increase in power, install new transmitter and change transmitter location) for extension of completion date.

1260 KC.

The Civic Broadcasters, Inc., Cleveland, Ohio—Construction permit for a new standard broadcast station to be operated on 1260 kc., power of 5 KW, directional antenna and unlimited hours of operation. AMENDED re change in directional antenna patterns.

1280 KC.

WMRO—WMRO, Inc., Aurora, Ill.—Construction permit to make changes in vertical antenna and change transmitter location from Highway 31, North Aurora, Ill., to Cross and River Sts., Aurora, Ill.

WKST—WKST, Inc., New Castle, Pa.—Modification of construction permit (B2-P-5290, as modified, which authorized changes in vertical antenna and to mount FM antenna on AM tower) for extension of completion date.

R. G. LeTourneau, Longview, Texas—Construction permit for a new standard broadcast station to be operated on 960 kc., power of 5 KW and daytime hours of operation. AMENDED to change frequency from 960 to 1280 kc., power from 5 KW to 1 KW, change type transmitter and change studio location from Texas Route 149, 2.8 miles south of Longview, near Longview, Texas, to Mobberly at Green St., LeTourneau Technical Institute Campus, Longview, Texas.

WNAM—Neenah-Menasha Broadcasting Co., Neenah, Wis.—License to cover construction permit (BP-6278), which authorized to mount FM antenna on AM tower.

1290 KC.

WIRL—Illinois Valley Broadcasting Co., Peoria, Ill. (Edward J. Altorfer, John M. Camp, John H. Altorfer, Katherine A. Swain and Timothy W. Swain)—License to cover construction permit (B4-P-3686, as modified) which authorized a new standard broadcast station and specify studio location as 115 N. Jefferson St., Peoria, Ill.

1340 KC.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Construction permit to install alternate main transmitter (composite) at N. of State Highway #121, .7 mile E. of U. S. Highway #51, Decatur, Ill. (present location of main transmitter) to be operated on 1340 kc. with power of 250 watts and unlimited time.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Modification of construction permit (B3-P-4880, as modified, which authorized a change of frequency, increase in power, installation of new transmitter and directional antenna for day and night use and change transmitter location) to make changes in directional antenna, change transmitter location from 3904 South Newport St., Tulsa, Okla., to approx. 8.5 miles south-southeast of the city of Tulsa, Okla., and for extension of commencement and completion dates.

KNOG—Border Broadcasting Co., Inc., Nogales, Ariz.—Modification of construction permit (B5-P-5345, as modified, which authorized a new standard broadcast station) to change type of transmitter.

KOWB—Snowy Range Broadcasting Co., Laramie, Wyo. (Carroll S. Mohr, Fred O. Rice, Douglas D. Kahle and George D. Humphrey)—License to cover construction permit (B5-P-5001, as modified) which authorized a new standard broadcast station and authority to determine operating power by direct measurement of antenna power.

1380 KC.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Modification of construction permit (B3-P-3965, as modified, which authorized increase in power, install new transmitter and directional antenna for night use and change transmitter location) for extension of completion date.

1390 KC.

KULP—Wharton County Broadcasting Co., El Campo, Tex. (Louis Thurmond Culp Kruger, Lafayette Lionel Ducket, C. Charles Coppage Ingram, J. Edward Johnson and Ross Bohannon, a partnership)—License to cover construction permit (B3-P-5611, as modified) which authorized a new standard broadcast station and change studio location.

NEW—Neponset Radio Corp., Norwood, Mass. (P. O. % C. F. Brauneck, 1124 Boylston St., Boston, Mass.)—Construction permit for a new standard broadcast station to be operated on 1390 kc., power of 500 watts and daytime hours of operation.

1400 KC.

NEW—Biddleford Broadcasting Corp., Biddleford, Maine (P. O. %Gordon J. Lewis, 35 Mildred Street, South Portland, Maine)—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation.

WDOS—Radio Columbia, Columbia, S. C.—License to cover construction permit (BP-6475) which authorized to install new vertical antenna and change transmitter location.

1410 KC.

Nashville Radio Corp., Nashville, Tenn.—Construction permit for a new standard broadcast station to be operated on 1410 kc., power of 5 KW, with directional antenna (DA-2) and unlimited hours of operation. AMENDED to change transmitter location from Hamilton Road and Clarksville Hwy., Nashville, Tenn., to Hamilton Rd. near Clarksville Hwy., near Nashville, Tenn.

1430 KC.

NEW—The Gladewater Broadcasting Co., Gladewater, Texas (Barnes H. Broiles, Carl B. Everett, John Ben Sheppard, Thomas C. Unis and Henry Wade) (P. O., 1517 Commerce St., Dallas, Tex.)—Construction permit for a new standard broadcast station to be operated on 1430 kc., power of 1 KW, and daytime hours of operation.

1440 KC.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of construction permit (BP-5968, which authorized to increase power, install new transmitter) for extension of completion date.

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1450 KC.

NEW—Radio Corporation of Arizona, Inc., Phoenix, Ariz. (P. O. Box 1056, Phoenix, Ariz.)—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 250 watts and unlimited hours of operation.

KYOU—Meroco Broadcasting Co., Greeley, Colo.—Modification of construction permit (B5-P-5196, which authorized a new standard broadcast station) to change type of transmitter, for approval of antenna, transmitter and studio locations as Off 25th St., between 5th and 6th Avenues, Greeley, Colo.

Charles Wilbur Lamar, Jr., Morgan City, La.—Construction permit for a new standard broadcast station to be operated on 980 kc., power of 250 watts and unlimited hours of operation. AMENDED to change frequency from 980 to 1450 kc. and power from 250 watts to 100 watts.

WBUY—Davidson County Broadcasting Co., Lexington, N. C. (Omar G. Hilton and Greeley N. Hilton)—License to cover construction permit (BP-5715) which authorized change frequency, change hours of operation, increase power and make changes in transmitting equipment.

1460 KC.

Chanute Broadcasting Co., Chanute, Kans. (Galen O. Gilbert, H. Edward Walker, Phil Crenshaw, and George A. Rountree, a partnership)—Construction permit for a new standard broadcast station to be operated on 940 kc., power of 250 watts and daytime hours of operation. AMENDED to change frequency from 940 to 1460 kc., change type transmitter and change transmitter location from "to be determined" Chanute, Kans., to East 14th St., .6 mile, east of intersection with Malcolm St., Chanute, Kans., and change studio location from To be determined Chanute, Kans., to 104½-106½ West Main, Chanute, Kans.

1490 KC.

WHOC—William Howard Cole, Philadelphia, Miss.—Modification of construction permit (BP-6299, which authorized a new standard broadcast station) to make changes in transmitting equipment, for approval of antenna, transmitter and studio locations at Highways 15 and 16, extension of Beacon Street, Philadelphia, Miss.

WHAV—The Haverhill Gazette Co., Haverhill, Mass.—Authority to determine operating power by direct measurement of antenna power.

WSAP—Portsmouth Radio Corp., Portsmouth, Va.—Modification of construction permit (B2-P-4357, as modified, which authorized to make changes in vertical antenna) for extension of completion date.

AM—Application Returned

Kentucky Mountain Broadcasting Co., Prestonsburg, Ky. (E. P. Hill, Jr., and D. C. Stephens, a partnership) (P. O. D. C. Stephens, Big Sandy Dental Laboratory, Prestonsburg, Ky.)—Construction permit for a new standard broadcast station to be operated on 900 kc, power of 1 KW and daytime hours of operation. RETURNED February 20, 1948, Incomplete.

AM—Applications Dismissed

KPBX—KPBX Broadcasting Co., Beaumont, Tex.—Modification of license to change hours of operation from daytime to unlimited, with power of 250 watts night, 1 KW day. DISMISSED February 20, 1948.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Relinquishment of control of licensee corporation by Arthur L. Smith thru increase of capital stock to 300,000 shares. (1230 kc.) DISMISSED February 27, 1948.

AM—Applications Tendered for Filing

550 KC.

KCRS—Clarence Jr. and Ruth Scharbauer, Midland, Texas (Ruth Scharbauer and Clarence Scharbauer, Jr.)—Modification of construction permit to modify the directional antenna system.

570 KC.

WFAA—A. H. Belo Corp., Dallas, Texas—Construction permit to install a new transmitter, change transmitter location and antenna system of 570 kc. operation, install directional antenna for daytime use and make changes in the nighttime directional antenna using 5 KW power and sharing time with WBAP.

WBAP—Carter Publications, Inc., Ft. Worth, Texas—Construction permit to install a new transmitter, change the transmitter location and antenna system of 570 kc. operation, and install a directional antenna for daytime use, using 5 KW power and sharing time with WFAA.

580 KC.

KSWS—McEvoy Broadcasting Co., Roswell, N. Mex.—Construction permit to change frequency from 1230 to 580 kc., power from 250 watts to 1 KW night, 5 KW day; install a new transmitter and directional antenna for night use and change the transmitter location.

670 KC.

NEW—Suburban Broadcasting Co., Pacific Palisades, Calif. (Howard Blake)—Construction permit for a new standard broadcast station to be operated on 670 kc., power of 1 KW, and daytime hours of operation.

800 KC.

WMBM—Biscayne Broadcasting Co., Inc., Miami Beach, Fla.—Consent to transfer of stock owned by Kenneth S. Keyes in licensee corporation, to Julius Martinus Vroon, Lucile T. Keyes, Kenneth S. Keyes, Jr., Lela Roberta Rymer Keyes, Lonnie Allen Morris, Ida Akers Morris, Herman John Leader, Brahan Lamar Mitchell and Dr. Augustin Batista.

900 KC.

NEW—Rollins Broadcasting, Inc., Georgetown, Dela.—Construction permit for a new standard broadcast station to be operated on 900 kc., power of 1 KW, and daytime hours of operation with directional antenna.

NEW—Essie Binkley West, Riverside, Calif.—Construction permit for a new standard broadcast station to be operated on 900 kc., power of 1 KW, and daytime hours of operation with directional antenna.

930 KC.

WEOL—Elyria-Lorain Broadcasting Co., Elyria, Ohio—Modification of construction permit to make changes in directional antenna, to accommodate FM antenna on tower #2, and change the proposed transmitter location, using power of 1 KW, and directional antenna day and night.

NEW—Valley Broadcasting Corp., Holyoke, Mass.—Construction permit for a new standard broadcast station to be operated on 930 kc., power of 500 watts, and daytime hours of operation.

970 KC.

KNEB—Platte Valley Broadcasting Corp., Scottsbluff, Nebr.—Modification of license to increase power from 500 watts day to 1 KW daytime hours.

WEBR, Inc., Buffalo, N. Y.—Modification of construction permit to make changes in the directional antenna.

980 KC.

WHWL—Radio Anthracite, Inc., Nanticoke, Pa.—Construction permit to change hours of operation from daytime to unlimited, frequency from 730 kc. to 980 kc., power from 1 KW day to 500 watts night, 1 KW day; install a new transmitter and change the transmitter location and install directional antenna for night use.

1050 KC.

NEW—The Oil City Broadcasting Co., Electra, Texas (a partnership composed of C. C. Elkins, Jr., and Bill Frank

(Continued on next page)

Lindsay)—Construction permit for a new standard broadcast station to be operated on 1050 kc., power of 250 watts, and daytime hours of operation.

1080 KC.

NEW—Southland Broadcasting Co., Atmore, Ala. (a partnership composed of Cyril W. Reddoch and J. B. McCrary)—Construction permit for a new standard broadcast station to be operated on 1080 kc., power of 250 watts, and daytime hours of operation.

1090 KC.

NEW—San Benito Broadcasting Co., San Benito, Texas (R. A. Huffhines)—Construction permit for a new standard broadcast station to be operated on 1090 kc., power of 250 watts, and daytime hours of operation.

1170 KC.

WJJJ—Southern Broadcasting Co., Montgomery, Ala. (Joseph G. Mathews, E. Judkins Mathews and John C. Mathews)—Voluntary assignment of license from Joseph G. Mathews, E. Judkins Mathews and John C. Mathews, d/b as Southern Broadcasting Co., to Southern Broadcasting Co., Inc.

1190 KC.

NEW—Texas Trade School, Dallas, Texas—Construction permit for a new standard broadcast station to be operated on 1190 kc., power of 1 KW, and daytime hours of operation. (Contingent on KLIF change in frequency.)

1230 KC.

NEW—Belen Broadcasting Corp., Belen, N. Mex.—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 250 watts, and unlimited hours of operation.

KGON—John H. Fitzgibbon, Roy Jarman and Temple V. Ehmsen, Oregon City, Ore.—Consent to voluntary assignment of license to Clackamas Broadcasters.

NEW—Rib Mountain Radio, Inc., Wausau, Wis.—Construction permit for a new standard broadcast station to be operated on 1230 kc., power of 100 watts, and unlimited hours of operation.

1240 KC.

WDIA—Bluff City Broadcasting Co., Ltd., Memphis, Tenn. (E. R. Ferguson and J. R. Pepper)—Construction permit to change frequency from 730 to 1240 kc., and hours of operation from daytime to unlimited.

1250 KC.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit to increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, and make changes in the antenna system.

WLPO—The La Salle Co. Broadcasting Co., La Salle, Ill. (F. F. McNaughton and Louis F. Leurig, a partnership) Construction permit to change hours from daytime to unlimited, frequency from 1220 to 1250 kc., increase power from 250 watts to 500 watts, install a new transmitter and directional antenna for day and night use, and approval of antenna system and transmitter location.

1280 KC.

NEW—Wachusett Broadcasting Co., Fitchburg, Mass. (Donald L. Coleman, Jr., Albert E. Keleher, Jr., J. Gordon Keyworth and James L. Spates)—Construction permit for a new standard broadcast station to be operated on 1280 kc., power of 500 watts, and daytime hours of operation.

WOV—Wodaam Corp., New York, N. Y.—Consent to transfer of control from Arde Bulova and Harry D. Henshel to General Broadcasting Corp.

1290 KC.

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to change power from 1 KW night and 5 KW day to 5 KW; install a new transmitter and change the transmitter location and install directional antenna for day and night use.

1300 KC.

NEW—Missouri Valley Broadcasting Co., Marshall, Mo. (Harold T. Fisher and Carl T. Fischer, a partnership)—Construction permit for a new standard broadcast station to be operated on 1300 kc., power of 500 watts, and daytime hours of operation.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Modification of construction permit to change the proposed transmitter location and modify the directional antenna system.

KAGH—Rose Bowl Broadcasters, Pasadena, Calif. (Andrew G. Haley)—Modification of construction permit to change hours of operation and install directional antenna.

1340 KC.

WGNI—General Newspapers, Inc., Wilmington, N. C.—Consent to assignment of license to New Hanover Broadcasting Co.

1350 KC.

WEEK—West Central Broadcasting Co., Peoria, Ill.—Acquisition of control of licensee corporation through transfer of stock from E. K. Gaylord and associates to Robert S. Kerr and associates.

WNLK—Norwalk Broadcasting Co., Norwalk, Conn. (Samuel R. Sallick, Lillian K. Johnpoll, Melvin Dresher, and Benjamin Ginzberg, a partnership)—Modification of construction permit to change hours of operation from daytime to unlimited, power from 500 watts day to 500 watts unlimited, and install directional antenna for night use.

1360 KC.

WOBS—Southern Radio and Equipment Co., Jacksonville, Fla.—Modification of construction permit to change hours of operation from daytime to unlimited, using power of 1 KW and install directional antenna for day and night use and approval of the antenna and transmitter location.

1380 KC.

NEW—Armstrong County Broadcasting Corp., Kittanning, Pa.—Construction permit for a new standard broadcast station to be operated on 1380 kc., power of 500 watts, and daytime hours of operation.

NEW—The Reorganized Church of Jesus Christ of Latter Day Saints, Independence, Mo.—Construction permit for a new standard broadcast station to be operated on 1380 kc., power of 5 KW, and daytime hours of operation.

1390 KC.

NEW—Neponset Radio Corp., Norwood, Mass.—Construction permit for a new standard broadcast station to be operated on 1390 kc., power of 500 watts, and daytime hours of operation.

WLAN—Peoples Broadcasting Co., Lancaster, Pa.—Modification of construction permit to change from employing directional antenna day and night to directional antenna for night use only.

1400 KC.

NEW—Cleveland County Broadcasting Co., Norman, Okla. (Tol Dickenson, William S. Morgan and Howard DeMere, a partnership)—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts and unlimited hours of operation. (Request facilities to be vacated by KTOK.)

NEW—Francis J. Drake, Saginaw, Mich.—Construction permit for a new standard broadcast station to be operated on 1400 kc., power of 250 watts, and unlimited hours of operation. (Contingent upon WSAM change in frequency.)

KTOW—Sooner Broadcasting Co., Oklahoma City, Okla.—Modification of construction permit to change hours of operation from daytime to unlimited, frequency from 800 kc. to 1400 kc., using power of 250 watts, unlimited. (Request facilities being vacated by KTOK.)

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1410 KC.

KCOL—The Northern Colorado Broadcasting Co., Fort Collins, Colo.—Construction permit to change frequency from 1400 to 1410 kc., power from 250 watts to 1 KW, install new transmitter and directional antenna for night use.

1420 KC.

WIMS—Northern Indiana Broadcasters, Inc., Michigan City, Ind.—Construction permit to change hours of operation from daytime to unlimited, power from 1 KW day to 500 watts night and 1 KW day, install a new transmitter and directional antenna for night use.

1440 KC.

NEW—Brazos Broadcasting Co., Bryan, Texas—Construction permit for a new standard broadcast station to be operated on 1440 kc., power of 500 watts, and daytime hours of operation.

1450 KC.

NEW—Veterans Broadcasting Corp., Ottawa, Ill.—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 100 watts, and unlimited hours of operation. (Contingent on WHFC change in frequency.)

WATO—Frank E. Pellegrin and Carlin S. French, Oak Ridge, Tenn.—Modification of construction permit to change frequency from 1490 to 1450 kc. (Contingent on WOND change in frequency and location.)

NEW—Beatrice Broadcasting Co., Beatrice, Neb.—Construction permit for a new standard broadcast station to be operated on 1450 kc., power of 250 watts and unlimited hours of operation.

1460 KC.

WOKO—Governor Dongan Broadcasting Corp., Albany, N. Y.—Modification of construction permit for changes in directional antenna system (day and night), change of transmitter location, and approval of antenna and transmitter locations.

1490 KC.

NEW—Ben J. Sallows, Alliance, Neb.—Construction permit for a new standard broadcast station to be operated on 1490 kc., power of 250 watts, and unlimited hours of operation.

WOND—Highlands Broadcasters, Inc., Oak Ridge, Tenn.—Modification of construction permit to change frequency from 1450 to 1490 kc., and change transmitter and studio locations from Oak Ridge, Tennessee, to Knoxville, Tennessee, utilizing power of 250 watts, unlimited hours of operation. (Contingent on WATO change in frequency.)

WLCX—Bermac Radio, Inc., LaCrosse, Wis.—Consent to transfer of control from Margaret B. MacLennar, Hector C. Berg, Eutelle W. Berg, Millard W. Berg and Frances L. Berg, to James J. Conroy.

KBLF—Robert L. Weeks, Red Bluff, Calif.—Consent to assignment of license to Russell G. Frey.

1520 KC.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to change frequency from 1240 to 1520 kc., power from 250 watts to 5 KW night and 10 KW day, install a new transmitter and directional antenna for day and night use, and change the transmitter location.

1570 KC.

NEW—Frederick Broadcasting Co., Frederick, Okla. (a partnership composed of J. D. Jones, Jr., Ronald W. Wheeler, Jr., and Winston A. Jones)—Construction permit for a new standard broadcast station to be operated on 1570 kc., power of 250 watts, and daytime hours of operation.

NEW—Shamrock Broadcasting Co., Shamrock, Texas (Albert Cooper, Arval Montgomery, J. C. Howell and Lester Campbell)—Construction permit for a new standard broadcast station to be operated on 1570 kc., power of 250 watts, and daytime hours of operation.

1600 KC.

WJEL—Champion City Broadcasting Co., Springfield, Ohio—Construction permit to change hours from daytime to unlimited; power from 500 watts day to 1 KW, unlimited; install directional antenna for day and night use, and change the transmitter location.

FREQUENCY MODULATION

FM—Correction

According to a correction by the Commission, the item in last week's REPORTS relating to the construction permit for **WGBI-FM, Scranton, Broadcasters, Inc.**, should have shown power as 1.8 KW instead of 18 KW.

FM—Modification of CP's Granted

WCOU-FM—Twin City Broadcasting Co., Inc., Lewiston, Maine—Granted modification of CP to change type of transmitter. (BMPH-1510)

The following were authorized extension of completion dates, as shown:

WFBG-FM, Altoona, Pa., to 6-1-48 (BMPH-1491); WJR-FM, Detroit, to 6-1-48 (BMPH-1498); WMAW-FM, Milwaukee, to 6-8-48 (BMPH-1503); WQQW-FM, Washington, D. C., to 6-15-48 (BMPH-1504); WHAT-FM, Philadelphia, to 6-10-48 (BMPH-1507); KOMO-FM, Seattle, to 6-16-48 (BMPH-1509); WBML-FM, Macon, Ga., to 8-21-48 (BMPH-1512); KPDR-FM, Alexandria, La., to 8-16-48 (BMPH-1514).

WGPA-FM, Bethlehem, Pa., to 5-1-48 (BMPH-1515); WMGY-FM, Montgomery, Ala., to 6-4-48 (BMPH-1508); KALE-FM, Portland, Ore., to 6-18-48 (BMPH-1521); WMAL-FM, Washington, to 5-5-48 (BMPH-1376); WWLH, New Orleans, to 9-16-48 (BMPH-1447); WCAR-FM, Pontiac, Mich., to 5-25-48 (BMPH-1407); KAKC-FM, Tulsa, Okla., to 9-14-48 (BMPH-1456); WHBF-FM, Rock Island, Ill., to 9-17-48 (BMPH-1479); WBCM-FM, Bay City, Mich., to 9-17-48 (BMPH-1475); WMFM, North Adams, Mass., to 5-13-48 (BMPH-1477); WLOS-FM, Asheville, N. C., to 8-18-48 (BMPH-1516).

WSRK, Shelbyville, Ind., to 3-18-48 (BMPH-1517); WWPR-FM, Miami, to 4-16-48 (BMPH-1518); WBET-FM, Brockton, Mass., to 5-15-48 (BMPH-1520); WNLC-FM, New London, Conn., to 8-18-48 (BMPH-1523); WCBT-FM, Roanoke Rapids, N. C., to 8-16-48 (BMPH-1526); WTMA-FM, Charleston, S. C., to 6-1-48 (BMPH-1527); WTMJ-FM, Milwaukee, to 9-26-48 (BMPH-1538).

FM—Applications Accepted for Filing

Alabama

WBRC-FM—Birmingham Broadcasting Co., Inc., Birmingham—Modification of construction permit (B3-PH-330, as modified) which authorized a new FM broadcast station for extension of completion date.

California

KTML—The Times-Mirror Co., Los Angeles—Modification of construction permit (B5-PH-317, as modified) which authorized a new FM broadcast station for extension of completion date.

KFXM-FM—J. C. Lee & E. W. Lee, San Bernardino (Lee Brothers Broadcasting Co.)—Modification of construction permit (B5-PH-520, as modified) which authorized a new FM broadcast station for extension of completion date.

California Broadcasting Co., Santa Monica (Edward J. Murset, Jr., Victor Spence Laying, Edward J. Murset, Sr.)—Construction permit for a new FM broadcast station (Class A) to be operated on frequency to be assigned by FCC, ERP of 1 KW. AMENDED to change frequency from: To be assigned by FCC to Channel #230, 93.9 mc., change

(Continued on next page)

type transmitter, change transmitter site from: To be determined, Santa Monica, Calif., to Mt. Wilson, Los Angeles, Calif., studio site from: To be determined, Santa Monica, Calif., to: To be determined, Los Angeles, Calif., and change Class of Station from A to B and make changes in antenna system.

KFVD-FM—Standard Broadcasting Co., Los Angeles—Modification of construction permit (B5-PH-146, as modified) which authorized a new FM broadcast station for extension of completion date.

KVSM-FM—San Mateo County Broadcasters, San Mateo (Edmund Scott, Gordon D. France, Merwyn F. Planting and Hugh H. Smith, a partnership)—Modification of construction permit (B5-PH-1029) which authorized a new FM broadcast station to change studio and transmitter location from 5th and B Streets, San Mateo to 3rd Ave. at Seal Creek, San Mateo, Calif., ERP from 380 watts to 713 watts; antenna height above average terrain from 180 feet to 54 feet, and make changes in antenna system.

KVSM-FM—San Mateo County Broadcasters, San Mateo (Edmund Scott, Gordon D. France, Merwyn F. Planting and Hugh H. Smith, a partnership)—Modification of construction permit (B5-PH-1029, which authorized a new FM broadcast station) for extension of completion date.

Connecticut

WBIB—The Colony Broadcasting Corp., New Haven—Modification of construction permit (B1-PH-982, as modified) which authorized a new FM broadcast station for extension of completion date.

Delaware

WDEL-FM—WDEL, Inc., Wilmington—Modification of construction permit (B1-PH-177, which authorized a new FM broadcast station, to change transmitter location from Hwy. #13, South of Wilmington to 5 miles North of Wilmington, change type of transmitter from Westinghouse FM-3 max. 3 KW to Western Electric, 504-B2 3 KW, antenna height above average terrain from 555 feet to 358 feet, ERP from 15.3 KW to 39.1 KW and make changes in antenna system.

District of Columbia

WOL-FM—Cowles Broadcasting Co., Washington—Modification of construction permit (B1-PH-639, as modified) which authorized a new FM broadcast station, for extension of completion date.

Florida

WJNO-FM—WJNO, Inc., West Palm Beach—Modification of construction permit (B3-PH-713, as modified) which authorized a new FM broadcast station for extension of completion date.

Georgia

WAGA-FM—Liberty Broadcasting Corp., Atlanta—Modification of construction permit (B3-PH-449, as modified) which authorized a new FM broadcast station to change make and type of transmitter.

WSAV-FM—WSAV, Inc., Savannah—Modification of construction permit (B3-PH-660, as modified) which authorized a new FM broadcast station for extension of completion date.

WBGE-FM—General Broadcasting Co., Atlanta (Mike Benton)—Modification of construction permit (BPH-1184, which authorized a new FM broadcast station) to change transmitter site, make changes in antenna system; and change commencement and completion dates.

Idaho

KIDO-FM—KIDO, Inc., Boise—Modification of construction permit (B5-PH-371, as modified) which authorized a new FM broadcast station, for extension of completion date.

Illinois

WTAX-FM—WTAX, Inc., Springfield—Modification of construction permit (B4-PH-690, as modified) which authorized a new FM broadcast station for extension of completion date.

WTAD-FM—Lee Broadcasting, Inc., Quincy—Modification of construction permit (B4-PH-133, as modified) which authorized a new FM broadcast station, for extension of completion date.

Indiana

WJOB-FM—South Shore Broadcasting Corp., Hammond—Modification of construction permit (B4-PH-224, as modified) which authorized a new FM broadcast station to change transmitter location from 447-449 State Street to Indianapolis Blvd. and 165th Street, Hammond, Ind., and make changes in antenna system.

Kansas

KWBB-FM—The Wichita Beacon Broadcasting Co., Wichita (Louis Levand, Max Levand, John Levand)—Modification of construction permit (B4-PH-635, which authorized a new FM broadcast station) for extension of completion date.

Kentucky

WCJT—WHAS, Inc., Louisville—License to cover construction permit (B2-PH-88, as modified) which authorized a new FM broadcast station.

WCMI-FM—Ashland Broadcasting Co., Ashland—Modification of construction permit (B2-PH-39, as modified) which authorized a new FM broadcast station for extension of completion date.

Louisiana

WBRL—Baton Rouge Broadcasting Co., Inc., Baton Rouge—Modification of construction permit (B3-PH-1062, as modified, which authorized a new FM broadcast station) to change type of transmitter, change ERP from 51 KW to 15.3 KW and change commencement and completion dates.

Maryland

WMCP—Belvedere Broadcasting Corp., Baltimore—Modification of construction permit (B1-PH-782, as modified) which authorized a new FM broadcast station for extension of completion date.

WGAY-FM—Tri-Suburban Broadcasting Corp., Silver Spring—License to cover construction permit (B1-PH-873, as modified) which authorized a new FM broadcast station.

WFBR-FM—The Baltimore Radio Show, Inc., Baltimore—Modification of construction permit (B1-PH-133, as modified) which authorized a new FM broadcast station, for extension of completion date.

Massachusetts

WBRK-FM—Greylock Broadcasting Co., Pittsfield—Modification of construction permit (B1-PH-194) which authorized a new FM broadcast station for extension of completion date.

WTAG-FM—WTAG, Inc., Worcester—Modification of construction permit (BPH-1101, as modified) which authorized changes in FM broadcast station to make changes in antenna system.

WHDH-FM—Matheson Radio Co., Inc., Boston—Modification of construction permit (B1-PH-142, as modified) which authorized a new FM broadcast station to change studio location, change type of transmitter, change antenna height above average terrain to 543 feet and to make changes in antenna system.

WGTR—The Yankee Network, Inc., Boston—Modification of construction permit (B1-PH-593, as modified) which authorized a new FM broadcast station for extension of completion date.

WBZ-FM—Westinghouse Radio Stations, Inc., Boston—Modification of construction permit (B1-PH-1112, as modified) which authorized a new FM broadcast station for extension of completion date.

WEIM-FM—Mitchell G. Meyers, Ruben E. Aronheim and Milton H. Meyers, Fitchburg—Modification of construction permit (B1-PH-688, as modified) which authorized a new FM broadcast station for extension of completion date.

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WLAW-FM—Hildreth & Rogers Co., Lawrence—Modification of construction permit (B1-PH-153, as modified, which authorized a new FM broadcast station), to make changes in antenna system and change commencement and completion dates.

WHAV-FM—The Haverhill Gazette Co., Haverhill—Modification of construction permit (B1-PH-478, as modified) which authorized a new FM broadcast station, for extension of completion date.

Michigan

WFRS—The Grand Rapids Broadcasting Corp., Grand Rapids—Modification of construction permit (B2-PH-508, as modified) which authorized a new FM broadcast station for extension of completion date.

WLAV-FM—Leonard A. Versluis, Grand Rapids—Modification of construction permit (B2-PH-264, as modified) which authorized a new FM broadcast station, to change transmitter location, ERP from 54 KW to 57.6 KW; antenna height above average terrain and make changes in antenna system.

Missouri

KSD-FM—The Pulitzer Publishing Co., St. Louis—Modification of construction permit (B4-PH-30, as modified) which authorized a new FM broadcast station for extension of completion date.

Nebraska

KFAB-FM—KFAB Broadcasting Co., Lincoln—Modification of construction permit (B4-PH-601, as modified) which authorized a new FM broadcast station to change ERP to 11.8 KW, antenna height above average terrain to 258 feet, make changes in antenna system and change commencement and completion dates.

KOAD—World Publishing Co., Omaha—Modification of construction permit (B4-PH-140, as modified) which authorized a new FM broadcast station for extension of completion date.

Nevada

KWRN-FM—Reno Newspapers, Inc., Reno—Modification of construction permit (B5-PH-376, as modified) which authorized a new FM broadcast station, for extension of completion date.

New Hampshire

WMUR-FM—The Radio Voice of New Hampshire, Inc., Manchester—Modification of construction permit (B1-PH-793) which authorized a new FM broadcast station for extension of completion date.

New York

WRPA—Radio Projects, Inc., Syracuse—Modification of construction permit (B1-PH-645, as modified) which authorized a new FM broadcast station, for extension of completion date.

North Carolina

WLOS-FM—Skyway Broadcasting Corp., Asheville—Modification of construction permit (B3-PH-971, as modified) which authorized a new FM broadcast station to change ERP to 9.3 KW and antenna height above average terrain to 128 feet.

Oregon

KGPO—Southern Oregon Broadcasting Co., Grants Pass—Modification of construction permit (B5-PH-825, as modified) which authorized a new FM broadcast station, for extension of completion date.

KMED-FM—Mrs. W. J. Virgin, Medford—Modification of construction permit (B5-PH-336, as modified) which authorized a new FM broadcast station, for extension of completion date.

Pennsylvania

KQV-FM—Allegheny Broadcasting Corp., Pittsburgh—Modification of construction permit (B2-PH-556, as modified) which authorized a new FM broadcast station for extension of completion date.

WKST-FM—WKST, Inc., New Castle—Modification of construction permit (B2-PH-805, as modified) which authorized a new FM broadcast station to change type transmitter and antenna height above average terrain to 342 feet, ERP to 3.05 KW.

WIBG-FM—Seaboard Radio Broadcasting Corp., Philadelphia—Modification of construction permit (B2-PH-81, as modified) which authorized a new FM broadcast station, for extension of completion date.

WPIT-FM—WPIT, Inc., Pittsburgh—Modification of construction permit (B2-PH-582, as modified) which authorized a new FM broadcast station, for extension of completion date.

WJKT—WJAC, Inc., Johnstown—Modification of construction permit (B2-PH-313, as modified) which authorized a new FM broadcast station, for extension of completion date.

Rhode Island

WPRO-FM—Cherry & Webb Broadcasting Co., Providence—Modification of construction permit (B1-PH-84, as modified) which authorized a new FM broadcast station to change type of transmitter and make changes in antenna system, change ERP from 20 KW to 30 KW.

Inter-City Broadcasting Co., Providence—Construction permit for a new FM broadcast station. (Class B) to be operated on frequency to be assigned by FCC, ERP of 16.4 KW. AMENDED to change transmitter site from approximately .1 mile NW of city limits, Providence, R. I., to Pine St., Rehoboth, Mass.; frequency from: "to be assigned by FCC," to Channel #260, 99.9 mc., and make changes in antenna system.

Tennessee

WSIX-FM—WSIX Broadcasting Station, Nashville (Jack M. Draughon & Louis R. Draughon)—Modification of construction permit (B3-PH-474, as modified) which authorized a new FM broadcast station to change ERP from 65 KW to 71 KW and make change in antenna system.

WSM-FM—WSM, Inc., Nashville—Modification of construction permit (B3-PH-965, as modified) which authorized a new FM broadcast station, for extension of completion date.

WVUN—Unity Broadcasting Corp. of Tennessee, Chattanooga—Modification of construction permit (B3-PH-776, as modified), which authorized a new FM broadcast station for extension of completion date.

Texas

KRIC-FM—KRIC, Inc., Beaumont—Modification of construction permit (B3-PH-148, as modified), which authorized a new FM broadcast station for extension of completion date.

KMHB—Mary Hardin-Baylor College, Belton—Modification of construction permit (B3-PH-1033, as modified), which authorized a new FM broadcast station to change type of transmitter, ERP from 2.9 KW to 12.0 KW, antenna height above average terrain to 317 feet and make changes in antenna system.

KTEM-FM—Bell Broadcasting Co., Inc., Temple—Modification of construction permit (B3-PH-594, as modified), which authorized a new FM broadcast station to change type transmitter, ERP from 7 KW to 1.9 KW and change commencement and completion dates.

Virginia

WLON—Hoyle Barton Long, Front Royal—Modification of construction permit (B2-PH-1128) which authorized a new FM broadcast station for extension.

WLPM-FM—Suffolk Broadcasting Corp., Suffolk—Modification of construction permit (B2-PH-969, as modified), which authorized a new FM broadcast station for extension of completion date.

West Virginia

WLOG-FM—Clarence H. Frey and Robert O. Greever, Logan—Modification of construction permit (B2-PH-814, as modified) which authorized a new FM broadcast station for extension of completion date.

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Wisconsin

WRJN-FM—Racine Broadcasting Corp., Racine—Modification of construction permit (B4-PH-286, as modified) which authorized a new FM broadcast station for extension of completion date.

WWCF—Wm. C. Forrest, Greenfield—Modification of construction permit (B4-PH-748, as modified), which authorized a new FM broadcast station for extension of completion date.

WFHR-FM—William F. Huffman Radio, Inc., Wisconsin Rapids—Modification of construction permit (B4-PH-908, as modified), which authorized a new FM broadcast station for extension of completion date.

WKBH-FM—WKBH, Inc., LaCrosse—Modification of construction permit (B4-PH-440, as modified), which authorized a new FM broadcast station for extension of completion date.

FM—Applications Tendered for Filing

Arkansas

KFSA-FM—Donald W. Reynolds, Fort Smith—Consent to assignment of construction permit of FM station to Southwestern Publishing Co.

New Hampshire

WLOB—Claremont Eagle, Inc., Claremont—Consent to transfer of control of FM Station from Lincoln O'Brien to Granite State Broadcasting Company, Inc.

Oklahoma

NEW—The Ponca City Publishing Co., Inc., Ponca City—Construction permit for a new FM broadcast station to be operated on Channel #243, 96.4 mc.

TELEVISION

TV—Petition Dismissed

Lehigh Valley Broadcasting Co., Allentown, Pa.—Dismissed as moot petition requesting the Commission to schedule for early hearing the consolidated proceeding on its application (BPCT-232) and Easton Publishing Co., Easton, Pa. (BPCT-261) and Philco Television Broadcasting Corp., Bethlehem, Pa. (BPCT-263) (Dockets 8727, 8728, 8729)

TV—Applications Accepted for Filing

California

NEW—Video Broadcasting Co., San Jose (a co-partnership consisting of John A. Masterson, Harold H. Holden, John W. Melson, John F. Reddy, Lester C. Bacon, W. F. Laughlin, Charles Wesley Turner, J. G. Moser, I. D. Ditmars, Charles B. Brown and H. E. Moser) (6331 Hollywood Blvd., Los Angeles, % J. G. Moser)—Construction permit for a new commercial television broadcast station to be operated on Channel #13, 210-216 mc., ERP of visual 35.34 KW, aural 18.6 KW and unlimited hours of operation.

NEW—Video Broadcasting Co., San Diego (a co-partnership consisting of John A. Masterson, Harold M. Holden, John W. Melson, John F. Reddy, Lester C. Bacon, W. F. Laughlin, Charles Wesley Turner, J. G. Moser, I. D Ditmars, Charles B. Brown and H. E. Moser) (P. O., 6331 Hollywood Blvd., Los Angeles, % J. G. Moser)—Construction permit for a new commercial television broadcast station to be operated on Channel #3, 60-66 mc., ERP of visual 17.955 KW, aural 9.45 KW and unlimited hours of operation.

KGO-TV—American Broadcasting Co., Inc., San Francisco—Modification of construction permit (BPCT-158, as modified, which authorized a new commercial television broadcast station) for extension of completion date.

NEW—Leland Holzer, San Francisco (P. O., 501 So. Vermont Ave., Los Angeles)—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP of visual 3.0 KW, aural 1.5 KW and unlimited hours of operation.

KRON-TV—The Chronicle Publishing Co., San Francisco—Modification of construction permit (BPCT-170, as modified, which authorized a new commercial television broadcast station) for extension of completion date.

District of Columbia

WMAL-TV—The Evening Star Broadcasting Co., Washington—Modification of construction permit (BPCT-141, as modified), for extension of completion date.

Florida

NEW—Sunshine Television Corp., St. Petersburg (P. O. 222 Brightwaters Boulevard)—Construction permit for a new commercial television broadcast station to be operated on Channel #7, 174-180 mc., ERP visual 26.24 KW and aural 13.12 KW and unlimited hours of operation.

Illinois

WENR-TV—American Broadcasting Co., Inc., Chicago—Modification of construction permit (BPCT-80, as modified, which authorized a new commercial television broadcast station) for extension of completion date.

WNBQ—National Broadcasting Co., Inc., Chicago—Modification of construction permit (BPCT-27, as modified, which authorized a new commercial television broadcast station) to change aural ERP from 21.8 KW to aural 11.75 KW and to make antenna changes.

Iowa

NEW—Central Broadcasting Co., Des Moines (P. O. 1002 Brady St., Davenport)—Construction permit for a new commercial television broadcast station to be operated on Channel #9, 186-192 mc., ERP visual and aural 31.2 KW and unlimited hours of operation.

NEW—The State University of Iowa, Iowa City (P. O., Iowa City)—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP of visual 32.26 KW, aural 16.13 KW, and unlimited hours of operation.

Maryland

NEW—Maryland Broadcasting Co., Baltimore (P. O., 7 East Lexington St.)—Construction permit for a new commercial television broadcast station to be operated on Channel #6, 82-88 mc., ERP of visual 1.702 KW, aural .851 KW and unlimited hours of operation.

WAAM—Radio-Television of Baltimore, Inc., Baltimore—Modification of construction permit (BPCT-171, as modified) to extend completion date.

Massachusetts

NEW—The Yankee Network, Inc., Springfield (P. O., 21 Brookline Ave., Boston)—Construction permit for a new commercial television broadcast station to be operated on Channel #3, 60-66 mc., ERP visual 18.9 KW, aural 10.1 KW, and unlimited hours of operation.

NEW—WTAG, Inc., Worcester (P. O., 18 Franklin St.)—Construction permit for a new commercial television broadcast station to be operated on Channel #5, 76-82 mc., ERP visual 16.886 KW, aural 8.443 KW, and unlimited hours of operation.

W1XJE—Westinghouse Radio Stations, Inc., area of Boston—License to cover construction permit (BPVB-210), which authorized a new experimental television relay broadcast station.

Michigan

NEW—Advertisers Press, Inc., Flint (P. O. 209 W. First Ave.)—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP of visual 2.930 KW, aural 1.465 KW and unlimited hours of operation.

(Continued on next page)

Minnesota

NEW—WMIN Broadcasting Co., St. Paul (538 Hamm Bldg., St. Paul 2)—Construction permit for a new commercial television broadcast station to be operated on Channel #2, 54-60 mc., ERP of visual 13.7 KW, aural 6.85 KW, and unlimited hours of operation.

Nebraska

NEW—May Broadcasting Co., Omaha—(P. O., Lowell and Elm Sts., Shenandoah, Iowa—Construction permit for a new commercial television broadcast station to be operated on Channel #3, 60-66 mc., ERP of visual 17.83 KW, aural 8.915 KW, and unlimited hours of operation.

New York

NEW—WARC, Inc., Rochester (P. O., Sheraton Hotel. 111 East Ave.)—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP visual 32.8 KW, aural 16.4 KW, and unlimited hours of operation.

WRGB—General Electric Co., Schenectady—Modification of construction permit (BPCT-181, as modified, to make changes) for extension of completion date.

North Carolina

NEW—Inter-City Advertising Co., Charlotte (P. O., 120 E. Third St., Charlotte)—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP of visual 2.80 KW, aural 1.40 KW, and unlimited hours of operation.

NEW—Surety Broadcasting Co., Charlotte—(P. O., 112 So. Tryon St.)—Construction permit for a new commercial television broadcast station to be operated on Channel #9, 186-192 mc., ERP of visual 27.805 KW, aural 13.903 KW and unlimited hours of operation.

NEW—Greensboro News Co., Greensboro—(P. O., corner North Davie and Gaston Sts.)—Construction permit for a new commercial television broadcast station to be operated on Channel #2, 54-60 mc., ERP of visual 1.67 KW, aural .835 KW and unlimited hours of operation.

Oregon

NEW—Video Broadcasting Co., Portland (a Co-partnership consisting of John A. Masterson, Harold M. Holden, John W. Melson, John F. Reddy, Lester C. Bacon, W. F. Laughlin, Charles Wesley Turner, J. G. Moser, I. D. Ditmars, Charles B. Brown and H. E. Moser) (P. O., 6331 Hollywood Blvd., Los Angeles, % J. G. Moser)—Construction permit for a new commercial television broadcast station to be operated on Channel #3, 60-66 mc., ERP of visual 17.955 KW, aural 9.45 KW, and unlimited hours of operation.

Pennsylvania

NEW—Pittsburgh Radio Supply House, Inc., Pittsburgh (P. O., 411 7th Ave.)—Construction permit for a new commercial television broadcast station to be operated on Channel #10, 192-198 mc., ERP of visual 26.6 KW, aural 13.3 KW, and unlimited hours of operation.

WDTV—Allen B. Dumont Laboratories, Inc., Pittsburgh—Modification of construction permit (BPCT-139, as modified), for extension of completion date.

Texas

NEW—Harris County Broadcasting Co., Houston (P. O., 5th Floor, Gulf Bldg.)—Construction permit for a new commercial television broadcast station to be operated on Channel #5, 76-82 mc., ERP visual 18.2 KW, aural 9.56 KW, and unlimited hours of operation.

NEW—The Amarillo Television Co., Amarillo (C. C. Woodson) (P. O., 1517 Commerce St., Dallas)—Construction permit for a new commercial television broadcast station to be operated on Channel #5, 76-82 mc., ERP of visual 1.85 KW, aural .925 KW and unlimited hours of operation.

NEW—The Austin Television Co., Austin (C. C. Woodson) (P. O., 1517 Commerce St., Dallas)—Construction permit for a new commercial television broadcast station to be operated on Channel #8, 180-186 mc., ERP of 4.25 KW, aural 2.17 KW and unlimited hours of operation.

NEW—The Lubbock Television Co., Lubbock (C. C. Woodson) (P. O., 1517 Commerce St., Dallas)—Construction permit for a new commercial television broadcast station to be operated on Channel #6, 82-88 mc., ERP of visual 1.85 KW, aural .9 KW and unlimited hours of operation.

TV—Applications Tendered for Filing

California

NEW—Leland Holzer, San Francisco—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP of visual 3.0 KW, aural 1.5 KW.

NEW—The Valley Electric Co., San Luis Obispo—Construction permit for a new commercial television broadcast station to be operated on Channel #3, 60-66 mc., ERP of visual 1.74 KW, aural 0.87 KW.

Maryland

NEW—Maryland Broadcasting Co., Baltimore—Construction permit for a new commercial television broadcast station to be operated on Channel #6, 82-88 mc., ERP of visual 1.702 KW, aural .851 KW.

Michigan

NEW—Advertisers Press, Inc., Flint—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., and ERP visual 2.93 KW, aural 1.465 KW.

Missouri-Kansas

NEW—Midland Broadcasting Co., Studio—Kansas City, Mo., Transmitter—Topeka, Kans.—Construction permit for a new commercial television broadcast station to be operated on Channel #11, 198-204 mc., ERP of visual .95 KW, aural .425 KW.

Nebraska

NEW—May Broadcasting Co., Omaha—Construction permit for a new commercial television broadcast station to be operated on Channel #3, 60-66 mc., and ERP visual 17.83 KW, aural 8.915 KW.

North Carolina

NEW—Suresty Broadcasting Co., Charlotte—Construction permit for a new commercial television broadcast station to be operated on Channel #9, 186-192 mc., ERP of visual 27.805 KW, aural 13.903 KW.

NEW—Greensboro News Co., Greensboro—Construction permit for a new commercial television broadcast station to be operated on Channel #2, 54-60 mc., ERP of visual 1.67 KW, aural .835 KW.

Pennsylvania

NEW—Pittsburgh Radio Supply House, Inc., Pittsburgh—Construction permit for a new commercial television broadcast station to be operated on Channel #10, 192-198 mc., and ERP visual 26.6 KW, aural 13.3 KW.

NEW—The Helm Coal Co., York (H. J. Williams, M. E. Cousler, Lowell W. Williams and Edward C. Hale, partners)—Construction permit for a new commercial television broadcast station to be operated on Channel #8, 180-186 mc., ERP of visual .7 KW, aural .488 KW.

Texas

NEW—The Amarillo Television Co., Amarillo (C. C. Woodson)—Construction permit for a new commercial television broadcast station to be operated on Channel #5, 76-82 mc., ERP of visual 1.85 KW, aural .925 KW.

NEW—The Austin Television Co., Austin (C. C. Woodson)—Construction permit for a new commercial television broadcast station to be operated on Channel #8, 180-186 mc., ERP of visual 4.25 KW, aural 2.17 KW.

(Continued on next page)

NEW—The Lubbock Television Co., Lubbock (C. C. Woodson)—Construction permit for a new commercial television broadcast station to be operated on Channel #6, 82-88 mc., ERP of visual 1.85 KW, aural .59 KW.

NEW—City of Dallas, Texas, Dallas—Construction permit for a new commercial television broadcast station to be operated on Channel #10, 192-198 mc., ERP of visual 24.84 KW, aural 12.48 KW.

MISCELLANEOUS BROADCAST

Studio Link Application Accepted for Filing

NEW—John F. Easley, Ardmore, Okla.—Construction permit for a new ST Link broadcast station to be operated on 940.194 mc., power of 25 watts, emission special for FM, and unlimited hours of operation.

Noncommercial Educational Application Accepted for Filing

WDTR—The Board of Education of the City of Detroit, Detroit, Mich.—License to cover (B2-PED-34, as modified) which authorized a new noncommercial educational FM broadcast station.

FTC ACTIONS

COMPLAINT

The Federal Trade Commission has alleged unfair competition against the following firm. The respondent will be given an opportunity to show cause why a cease and desist order should not be issued against them.

Fir Door Institute—Combination and conspiracy to suppress competition and create a monopoly in the interstate sale of Douglas Fir doors and overhead garage doors designated "CrawFIRdors" are charged in a complaint issued by the Federal Trade Commission against Fir Door Institute, Tacoma, Wash.; eight companies which are or have been members of the Institute; and three other corporations. (5528)

CEASE AND DESIST ORDERS

Eunice Mail Order House—Benjamin Rosenberg, trading as Eunice Mail Order House, 197 Division St., New York, has been ordered by the Commission to cease and desist from misrepresentation in the sale of wearing apparel and other merchandise, including used, worn or secondhand clothing. (5170)

D. J. Lane Co.—False and misleading advertising of medicinal preparations intended for use in the treatment of asthma and hay fever is prohibited in a cease and desist order issued by the Commission against Lewman A. Lane, trading as D. J. Lane Company, St. Marys, Kans., and his advertising agent, Frank E. Whalen, 15 West Tenth St., Kansas City, Mo. (5252)

Lyons and Co.—Mervin E. Lyons and Clarence B. Lyons, trading as Lyons and Co., 118 Duane St., New York, have been ordered by the Commission to cease and desist from representing that "KIWI" shoe polish will make shoes waterproof. They are specifically prohibited from using on containers or in advertising material the word "waterproof" or any other term which represents that the product is capable of rendering shoes impervious to water. (5207)

Sheffield Farms Co., Inc., New York, one of the nation's largest distributors of fluid milk and cream, has been ordered by the Commission to cease and desist from unfair competitive practices in connection with its purchase of milk products from organizations of milk producers. such as producer cooperative associations. (4647)

NAB Is Mailing Forms For L. A. Reservations

The NAB said Friday it will this week begin mailing to member stations the pre-registration and hotel reservation forms for its convention to be held in Los Angeles May 17-21.

Other early convention planning includes a meeting to be held today in Syracuse, N. Y., by the FM executive committee of the NAB. Discussing plans will be Cecil D. Mastin, WNBF-FM, Birmingham, Leonard L. Asch, WBCA, Schenectady, and Willard D. Egolf, WBCC-FM, Bethesda.

News Analysts Comment On Mayflower Decision

Members of the Association of Radio News Analysts, through Charles Hodges, secretary, issued a statement on Friday revealing the attitude of the membership on the controversial Mayflower decision of the FCC as

(Continued on Page 2)

NAB, RMA, JCC Reps To Plan Contest In N. Y.

A joint committee representing RMA, NAB and the Junior Chamber of Commerce will meet in New York Tuesday to make preliminary plans

(Continued on Page 3)

Salary Totals rease, Says FCC

up 17 per cent in the same period, from $2,140,000 to $2,508,000.

A total of 8,353 part-time workers drew $373,774 from the networks, their 10 key stations and 1,008 other stations, the Commission reported from its October findings. Of these, 4,021 were non-staff program workers compared with 4,721

3-15-48

FMA Won't Appear In 'Mayflower' Tiff

Washington Bureau, RADIO DAILY

Washington—The FMA board of directors on Friday decided their organization will not appear at the FCC hearings on the Mayflower decision —a major split on the issue within broadcast ranks which some broadcasters had seen coming for some time.

The board decided to meet monthly

(Continued on Page 2)

FMA Won't Appear In 'Mayflower' Dispute

(Continued from Page 1)

for the next six months because of the intense speed of current developments within the industry, and to launch a new and intensive membership drive. Forty-one new members have been added since the September convention, bringing the total to 242. One of the newest members is the Crosley Manufacturing Co., long a holdout against FM. Only 12 memberships have been dropped thus far.

A stiff protest against advertising of "high-fidelity AM," "finest quality AM" and other phrases which, used in conjunction with discussion of FM appear derogatory to FM was prepared for approval over the weekend, as well as a resolution calling upon manufacturers to begin turning out FM-only sets at "the lowest possible prices." FM broadcasters will be asked to make all possible use of the slogan, "Be Sure Your New Radio Has FM."

It was decided also that Executive Director Bill Bailey canvass the membership for all details of difficulties with the AT&T on studio-transmitter links. Reports of trouble with low-fidelity links have been reaching Washington, and FMA is determined to bring the matter up either with AT&T or with the FCC.

Present, in addition to Bailey and Counsel Leonard Marks, were: President Everett Dillard; W. R. David, GE; E. J. Hodle, WCFC, Beckley, W. Va.; C. M. Jansky, Jr.; Raymond Kohn, WFMZ, Allentown, Pa.; Morris Novik, Unity Broadcasting Corp., N. Y.; Thomas F. McNulty, WMCP, Baltimore; Ben Strouse, WWDC-FM, Washington, and William Ware, KFMX, Council Bluffs, Iowa.

3-8-48

RADIO AND EDITORIALIZING

A Summary of a General
Session of the

SEVENTEENTH INSTITUTE FOR EDUCATION BY RADIO

May 5, 1947

Statements by—

James Lawrence Fly
Rex Howell
Robert D. Leigh
Allen Sayler
Paul D. P. Spearman
and General Discussion

THE INSTITUTE FOR EDUCATION BY RADIO
Ohio State University
Columbus 10

RADIO AND EDITORIALIZING

Summary of a General Session

Reprinted from EDUCATION ON THE AIR, 1947, Yearbook of the Institute for Education by Radio. Columbus, Ohio: Ohio State University Press, 1947. Pp. 96-121.

SHOULD RADIO HAVE AN EDITORIAL POLICY?

JAMES LAWRENCE FLY[1]

IN 1940, IN THE NOW FAMOUS "MAYFLOWER" decision of the Federal Communications Commission, the Commission stated that:

"Under the American system of broadcasting it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of his own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

"Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively and without bias. The public interest—not the private—is paramount. These requirements are inherent in

[1] American Civil Liberties Union, N. Y.

the conception of public interest set up by the Communications Act as the criterion of regulation." (8 F.C.C. 339-340)

The American Civil Liberties Union is in whole-hearted agreement with this position. In other words, to answer the question which is our topic, radio should *not* have an editorial policy in controversial areas. What is to be avoided is the broadcaster's using his facilities to take one-sided attitudes toward controversial issues, without giving comparable time to other points of view.

It is important to keep in mind, however, that the Mayflower policy should be related to situations substantially similar to the facts and practices that faced the Commission in that particular case, and, like good lawyers, we should be careful not to stretch this statement to cover factual situations unrelated to the facts which gave them birth.

This attitude, however, neither prevents radio from playing an integral and important part in the public discussion of controversial issues, nor from assuming non-controversial civic responsibilities of sizeable importance.

The distinction between "controversial" and "non-controversial" programming is, of course, sometimes quite blurred. As in many distinctions, basic to various fields of law, the distinction does not center over a sharp dividing line, with given facts clearly on one side or the other. Instead, the dividing point is a "twilight zone" where a classification in either direction is arguable.

A beer advertisement is "controversial" to a prohibitionist, though most of us would probably place it in the category of "non-controversial." Similarly, a religious service strikes an atheist as "controversial" though most of us would think otherwise. On the other hand, I'm certain we could readily imagine news commentaries which would strike us as being quite one-sided on what we felt was a controversial issue but which the commentator might feel was almost the gospel truth, and hence, not controversial. Here, we cannot hope to spell out definitions or standards which will automatically fix the classifications for us.

What we can hope for, however—and demand—is that the broadcaster be constantly aware that he has no right to ignore any point of view while promoting a contrary one held by substantial elements of the public. If he is willing to operate on that principle, I think he will be able to follow the Mayflower decision without too much trouble.

It appears that some broadcasters have taken shelter under the supposed meaning of the Mayflower decision to avoid public responsibility. The mere fact that in the middle, between the one extreme of the charitable enterprise and the promotion of a political candidacy, there is a twilight zone is no excuse for shirking public responsibility. There are many such twilight zones; e.g., in due process of law, interstate commerce, unreasonable restraint of trade, negligence. The responsibility to the charitable undertaking, to civic, educational and social betterment is clear. The broadcaster may join in the demand for better health facilities, for pure water, for sanitation. In any event, the worst that can happen in case the broadcaster unwittingly steps into a basically controversial issue is that he will have to afford equal facilities for the opposing point of view.

The American Civil Liberties Union believes that broadcasters should—and it urges that they do—participate actively in community affairs, both by making their facilities available to the impartial presentation of opposing points of view on controversial issues and by lending their support, as a public service, to non-controversial matters of public importance, such as support of community civic, educational, and charitable activities.

Even though we say radio should not have an editorial policy as regards "controversial" matters, we insist that it should operate on the widest scope possible in non-controversial areas. Radio will not be "editorializing" or violating the law if it takes on added social responsibilities, and shows willingness to lend its whole-hearted support to the civic and educational problems that beset almost every American community. I know each of you could readily think of specific ways in which radio could help out in this respect. The Union has always urged that radio seize this opportunity and make the most of it. Nothing in the Mayflower principle conflicts with this urging.

The important governing principle is that the role of radio be impartial; not that it be inactive or unconcerned. Here, public reliance for a balanced presentation of ideas must largely rest on the broadcaster's awareness of his public trust and his willingness to execute it in high good faith.

Thus construing the Mayflower decision, the broadcaster can avoid use of his public trust as a mouth-organ for his own political views, or its use by any dominant economic source, can offer a full and impartial presentation of controversial issues and can stand actively in the ranks of the forces for public

betterment. This sort of operation can only enhance the prestige of broadcasting. At this critical juncture of world affairs it is important that the standing and the power of radio be both maintained and expanded in what is one of its most vital characteristics; that is, the ability to promote the free flow of communications in that most precious of all fields—ideas.

REX HOWELL[2]

RADIO SHOULD HAVE AN EDITORIAL POLICY, because therein lies one of radio's great opportunities for public service.

First, however, we must decide if radio has the right to editorialize. I think the answer to that is also unequivocally in the affirmative. I think we are nearly all generally agreed, that anything as fundamentally related to our Constitutional guarantees of freedom is not rightfully subject to challenge. However, since there is a small but vocal minority that opposes, in principle, the basic right of broadcasters to express opinions of their own, a brief discussion of the legal aspects of "editorializing" by radio may be in order. First, let me say, I have never personally felt that the present members of the FCC have any objections to radio editorials, properly handled. Hence what I am about to state should not be construed as charging the Commission with any conscious effort to bar editorials from the air.

In 1940 the FCC handed down a decision in the so-called "Mayflower case." The decision came after a hearing to determine whether the Mayflower Broadcasting Corporation, a new applicant, or Station WAAB, owned by the Yankee Network, should be licensed to use certain time in Boston. The Commission rejected the application of the Mayflower Corporation and renewed the license of WAAB.

The important issue in the case turned on WAAB's practice, carried on from early 1937 through September, 1938, of broadcasting editorials on behalf of various political candidates or supporting one side of various controversial issues. The Commission granted the renewal of license only after WAAB made "comprehensive and unequivocal representations" that no editorials would be broadcast, that the station would have no editorial policies, and that no attempt had been or would be made to color or editorialize news.

[2] Station KFXJ, Grand Junction, Col.

The Communications Act requires that equal opportunity be afforded all qualified candidates for a public office. In other words, if a station offers its facilities to one candidate without charge, it must extend the same courtesy to his opponent. If time is sold, then equal conditions as to price, available time, etc., must prevail. Of course, the broadcaster has a perfect right to refuse all candidates, if he so desires. This, too, would comprise equal treatment. The station involved in the beforementioned case allegedly endorsed a political candidate and broadcast editorials on his behalf, but failed to offer equal opportunity to his opponent.

Unfortunately, few people remember the actual circumstances of the Mayflower case. There has been a widespread misunderstanding as a result of the inference that can be drawn from one of the conclusions in the FCC's decision in this case. That is the statement to the effect that "the broadcaster cannot be an advocate."

Some broadcasters and many members of the public have interpreted this statement to mean that stations cannot advocate anything. Thus, some broadcasters are loathe to take part in the promotion of vital community projects, and certain minority groups use the Mayflower inference in the spirit of sophistry!

Personally, I have never felt that the Commission intended to thwart judicious use of their own facilities by public-spirited broadcasters. However, I believe the Commission would do broadcasting a great service by clarifying this point. Last February, the broadcasters of the 14th District, in convention at Salt Lake City, unanimously endorsed a resolution asking that such clarification be made. The resolution closed as follows: "That the broadcasters . . . petition . . . to bring about a revision of the said inference in the Mayflower case and establish the rights of broadcasters to present views under their own sponsorship in keeping with the Constitutional guarantees of freedom of speech."

I think some of the people who fear exercise of the broadcaster's prerogative to editorialize do so because they confuse the term to mean "assume a biased political attitude." Webster defines editorial as "an article given featured position and sanctioned by the owner of the publication." There are hundreds of individual community needs that can be met by a well defined editorial policy on the part of the local station. I think

this is particularly true in the so-called "small market" station category.

If you will pardon a few personal experiences, let me tell tell you something of the editorial projects which we have undertaken at my station in western Colorado.

About a dozen years ago, the people of our area were informed we would have to share our water resources with the cities of what is known as "the eastern slope," in other words, the area to the east of the Continental Divide of the Rocky Mountains. Since the annual snow-fall on the western slope of the range is customarily higher than on the east, diversion tunnels were planned which would tap our water supply at the head-waters of the Colorado River. Any of you folks who are familiar with western history are aware of the tremendous importance of water, and not a few bloody battles were fought over this prize resource in the pioneer days.

Station KFXJ secured the best possible legal counsel, conferred with officials of the Reclamation Bureau, and employed considerable research to get at all the facts. We found that it would probably be futile to simply oppose the diversion scheme. While in area our section comprised the largest part of the state, and was the richest from the standpoint of natural resources, we were hopelessly outnumbered in population by the eastern slope, which encompasses the City of Denver. KFXJ launched an editorial campaign calling for the construction of compensatory reservoirs that would impound water during the flood season of early spring and thus assure an even annual flow of water down the Colorado River during the season when water was needed by our farmers and ranchers. It would thus provide, also, for diversion of badly needed water to our neighbors across the mountains without entailing any sacrifice to western Colorado water users.

Our campaign met with instant success. Newspapers in both areas of the state enthusiastically supported our campaign and the reservoirs were built. Radio, by its ability to reach out over a wide area and inform, thus averted a great deal of sectional strife among our people and aided materially in expediting a worthwhile project. KFXJ had to be an *advocate,* in this case. We *advocated* a specific plan. We also asked for other suggestions and would gladly have publicized them had we received any. We could probably have employed someone else to deliver some speeches about it over the radio, but the point is,

we took the initiative ourselves, because we had the courage to assume community leadership.

I think it is safe to say that the campaign was more effective, simply because it was our plan. Our people had faith in us. They knew we were acting in their interest. This did not prove to be a controversial issue. If it had developed into such, we would have felt it incumbent upon us to give access to the expression of other views. Someone had to take the initiative in the first place to stimulate public thought. KFXJ did so by means of editorials.

Last year, Colorado was among the states most seriously threatened with a polio epidemic. The disease spread to an alarming degree in some sections of the state. A meeting was called of our city and county health authorities, school officials, civic leaders, and laymen. The topic discussed was "What Can We Do To Stop Polio?"

It was generally agreed that a county-wide quarantine of all juvenile activities might help. But the further question was: "How Can We Sell the Public the Idea?" Because we believed in the plan, KFXJ agreed to present a series of editorials on the subject. We called in doctors and health authorities to appear as guest speakers. We editorially endorsed the plan for a Central Polio Control Committee, empowered to enforce emergency health measures. Our county encompasses an area of 3,313 square miles. Within 48 hours after launching our editorial campaign, there was, to all practical purposes, 100 per cent county-wide compliance!

We also have promoted projects for slum clearance, for supervised recreational facilities for youth, for an enlarged police force with better pay for its members. We are vigorously supporting the needs of education in Colorado, where a particularly acute shortage of teachers exists. We are promoting cultural activities such as the Mesa County Community Concert series. We take an active part in many youth programs. KFXJ annually sponsors the Intermountain Junior Rodeo and supports the Junior Livestock Exposition in connection with it. These are projects someone had to start and someone had to *advocate*. There are other examples, but I have probably dwelt too long on our activities.

Summarized briefly, here are my views:

Radio has the right to editorialize. Any attempts to deny

that right are in violation of the first amendment to the Constitution.

Radio as an industry has been in the hands of people who have earned public trust by the exemplary fashion in which they have served the public. Hence, broadcasters are qualified to assume the responsibilities inherent to editorial use of radio.

While it is, of course, not mandatory that broadcasters present editorials, they should be encouraged to do so in the interest of the broader field of public service.

Broadcasters should fashion a code of ethics, covering the use of their facilities for editorials, that will assure high standards of service. This should be preferably on a voluntary basis; not by federal mandate.

In its own interest as well as that of the broadcasters and the public, the FCC should rescind its statement in the Mayflower case that "radio must not be an advocate."

ROBERT D. LEIGH[3]

DURING ITS NEARLY THREE YEARS OF EXISTENCE, the Commission on Freedom of the Press has concerned itself directly with this particular problem in its more general aspect: that is, the present machinery and policy for handling controversial discussion in the five major mass media. I shall attempt to summarize the Commission's conclusions by stating four or five propositions basic to an analysis of the problem.

The propositions are greatly condensed from the Commission's general report, "A Free and Responsible Press." This report, in turn, is a summary or condensation of six longer and more detailed reports, only three of which have yet appeared in published form. One of the three is a report to the Commission on the American radio, specifically that by Llewellyn White of the Commission staff. Two of the reports not yet off the press form an equally important background for the Commission's conclusions in this area. They are Dr. Hocking's report on the background of principle and theory for freedom of the press, and Zechariah Chafee's two-volume analysis of the relation of government to mass communication. My condensed statement draws from these three special reports as well as from the summary report. Behind each one of the propositions, therefore, there are many pages of exposition in the Commis-

[3] Commission on Freedom of the Press, New York.

sion's reports, and many more pages of discussion and analysis in the Commission's unpublished documents.

Now as to the series of propositions:

FIRST: — Freedom of expression as an effective individual right constitutes a fundamental basis for the maintenance and success of a free, democratic society.

SECOND: — This basic concept was given partial expression in the free press clauses of our constitutional documents. As interpreted by our courts, these clauses provide an effective guarantee that governmental regulation shall not abridge free, individual expression.

THIRD: — In the contemporary situation with mass communication concentrated to a considerable extent in each locality, and in the nation, in a relatively small number of relatively large units, protection against government is not enough to guarantee that a man who has something to say shall have a chance to say it. Necessarily, the owners and managers of the media determine, to a large extent, which persons, which facts, and versions of the facts, which ideas and which causes shall reach the large masses of people. The way they exercise this inevitable control determines the degree of the effective maintenance of freedom of individual expression. Thus, abridgment of free expression may be as harmful, may be as dangerous, as ever were the actions of royal officials on the writings of Peter Zenger. Furthermore, we cannot prohibit by law this control by the media of the people who use it. They must somehow regulate their own selections so as to give maximum opportunity for the man with something significant to say to have his say.

FOURTH: — Equally basic with individual expression as a concept underlying democratic society, is the need to provide every citizen with an adequate and uncontaminated daily diet of the current news, of the conflicting ideas and arguments on public issues; with fair pictures of the attitudes of the groups that constitute the society. The need is so essential to a democratic process that it acquires the stature of a citizen's right and for the agencies of mass communication an obligation which they must reasonably meet as the price of their freedom. A free press and radio and film industry, therefore, must be a responsible or accountable press, radio, and film industry.

FIFTH: — This responsibility on the part of the major media of mass communication means that they "should regard

themselves as common carriers of public discussion. By this the Commission does not suggest that they should be subject to the legal obligations of common carriers, such as compulsory reception of all applicants for space, regulation of rates, etc. The press and radio cannot and should not be expected to give space for everybody's ideas." But, the major units should assume the duty of publishing objective, impartial news, and significant ideas contrary to their own. Their control over the various ways of reaching the ear of America is such that if they do not present ideas which differ from their own, those ideas will not reach the ears of the mass of Americans.

More specialized media of advocacy have a continuing and vital place. They should be plainly labelled as such. But especially we need the general mass medium which, although it may present its own views as editorial comment, has as its main function setting forth all views held by considerable numbers and reaching across all groups in the community. This is especially so because of the tendency in our large-scale, urbanized society for each group to remain insulated from others, reinforcing its own unchallenged assumptions by conversations, leadership, and partisan journals, so that its assumptions harden into fixed, unchallenged prejudices.

Thus far, the Commission! On the specific question of whether in the field of radio the owner-manager should serve as editorial advocate as well as common carrier of news and discussion the Commission did not declare itself.

Mr. White, in one of his own proposals, did declare himself. Interpreting the Commission's general position and applying it to the Mayflower decision, he suggested to the FCC that it "amend the Mayflower decision to permit broadcasters to air their partisan views on condition that they provide equal time for an answer." Mr. White's proposal permits the station owner to air his partisan views if he wishes, but only on condition that he maintain the form and reality of the station or network as a common carrier of news and discussion.

It would be logically conceivable, but quite impractical, of course, to get the result another way. We could consider all the stations serving any one area as together forming a common carrier. But then the FCC would be faced with the infinitely difficult task of licensing the stations in the area according to an ideological pattern so as to represent the whole spectrum of opinion and group representation. And this system would break

down completely in smaller places served by only one, two, or three stations.

So much, as regards FCC policy and the Mayflower decision! Mr. White, in his book, goes further and proposes to the station owners that they "assume a position of vigorous editorial leadership in public affairs." My own emphasis would be in the opposite direction. I agree that the broadcasters should be free, legally, to become editorial advocates if they choose to do so. And in large cities a few local stations might serve a very useful function as radio journals of advocacy. But, for most stations, I think the function of common carrier is best performed by developing the greatest skill, courage, and wisdom in exercising the difficult and important function of umpire and interpreter of controversy. I believe that the broadcasters and FCC here have been on the right track, and that, despite some nostalgic yearnings for the days of Greeley, the great newspapers are moving gradually in the same direction. A comparison of the readership of the newspaper editorial page and of the by-line columnists—equivalent of the radio commentators—shows the major trend. It is a trend toward acceptance of the common carrier function.

Why is it that extensive polls of citizens show, in almost every case, that people trust the reliability of radio news and comment more than they do the newspapers? No one really knows the answer. It may be the greater confidence engendered by the human voice as compared with cold print. But I venture the opinion that the preference is due partly to the implausibility, to people of common sense, that the newspaper owner who, on one page, plays the role of zealous partisan, often as a political leader, on all the other pages, by some successful schizophrenic device of personality, plays the impartial, objective role of umpire and arbiter of news. Much more plausible is the radio station or network practice which offers to its customers a medley of opinion by people whose views are labelled as their own, with the station management, itself, standing silently in the background as the symbol of tolerance and impartiality.

I believe that this symbol is worth cultivating, with single mind and clear purpose. Partisan advocates are cheap; they can be found on every street corner. But the function of umpiring, of giving room to the really *significant* though unpopular individual ideas and the opinions of all considerable groups in

public controversy is difficult—very difficult. It requires persons of great sophistication and of judicial temperament. They are rare. They must be trained after they are found. It is these people that I should like to see gravitating to the top in radio station management. This would be my high ambition for the policy of broadcast management in our society.

ALLEN SAYLER[4]

THIS QUESTION OF EDITORIAL POLICY IN RADIO has to do with freedom of expression, a subject of primary interest for educators and broadcasters. Freedom of expression is intertwined with other fundamental principles of our democratic society, with political democracy, social equality, and competition in the economic sphere.

If there is some truth in the idea that free expression and tolerance of opposing views thrives in a period of prosperity, today, at first glance, here in the United States we should be witnessing the widest latitude of expression, the greatest competition in ideas we have ever seen.

Business is booming. We are close to full production and high employment. Labor and management have reached agreement on wages and other conditions in the key industries of the country. Our land and our people have not been ravaged by foreign invasion. Economically we are in a position where we are able to proceed with the business of building democracy.

Instead, today we are engaged in a struggle over whether or not we shall maintain the democratic institution of free trade unions and the democratic principles of freedom of thought and free expression. Why is this so?

A second glance at our economic picture reveals some facts that bear on our difficulties.

American industry's profits are the highest in their history. But these abnormally high profits are coupled with an all-time high in price levels, with a cost of living that means reduced living standards for the great bulk of the people of the country. Purchasing power is declining, the consumption of goods is declining. In recent weeks, the forecast of a slump or recession has moved from the financial page to the first pages of the newspapers.

Of equal importance has been the narrowing or restriction

[4] Radio Representative, UAW-CIO, Washington.

of competition in the economic field by the tremendous growth in the concentration of economic power in the last seven years.

What has this matter of the growth of monopolies and the forecast of a business recession to do with freedom of expression and editorial policy in radio?

It seems to me that it has this to do with it. The free expression of views and opinions on social, economic, and political questions provides some check on the behavior of large corporate interests and monopolies. The removal of competition in the field of ideas would be of benefit to the large corporations much as the removal of competition in business.

There is a trend today towards imposing severe restrictions upon labor organizations in the country. Here at this Institute there has been some evidence that some commercial broadcasters would prefer not to have the competition of vigorous, live, non-profit, non-commercial educational stations.

The present campaign urging punitive action against democratic organizations of workers and towards imposing conformity of ideas under the penalty of a challenge of your patriotism will thrive on a one-sided presentation of views and opinions and will soon die in an atmosphere of free expression of controversial views and opinions on public issues.

Twin demands for editorial rights and the creation of property rights in radio channels for owners of broadcast stations are part of a current trend towards concentration of control in the expression of ideas. This trend in the field of expression of ideas reflects the concentration of economic power in the radio broadcasting industry.

Reports for 1946 show that five corporation sponsors provide one-fourth of the network billings, and just 10 corporation sponsors supply over one-third of the network billings.

If certain advocates are victorious in their fight for property rights in radio channels and station editorializing, their victory will be over you, the American listener. You will be the victim. For your daily decisions in building a stronger democracy you will have lost a large part of your opportunity to choose alternatives through the competition of ideas.

In a truly free radio, it seems to me, the owner of a broadcast station will have rights of expression that are neither greater nor lesser than those of other responsible persons or organizations in the community the station serves.

In the WHKC case, the UAW-CIO fought for observance

of the principles of balanced programming, against the censorship of ideas, and for equal treatment of opposing views on controversial issues. In the union's proposed FM stations, 800,000 auto workers are confident they can demonstrate the soundness of these principles for radio in a democratic society.

To those who advocate that radio have an editorial policy, let them examine some of the implications of that position.

In radio, as in other media of mass communication, the dominant interests are the large corporations and powerful business interests. The purpose of editorializing is to mold public opinion.

The power of radio to sway people's attitudes, opinions, and beliefs is universally recognized. Ideas are sold over the radio as well as products. Now it is one thing for an idea to be sold by survival in competition with conflicting ideas. It is something else for an idea to be sold because there is no other idea to be purchased.

Doesn't editorializing by radio station owners mean the molding of public opinion to those views and opinions which are preferred by the large powerful corporate interests in the country?

There are undoubtedly some persons who actually believe that private property in radio channels is desirable, and also that it is desirable that the views of large corporate interests be brought to the public in preference to the views of other segments of the community. The fact that a frank statement of such a position would very likely be unpopular should not restrain such advocates. The open support of that position might well clarify this whole issue.

If, as I believe, editorializing by radio station owners is not in the public interest, is there then any improvement that can be made in present radio policy? I think there is.

There can be a greater recognition of the value of the presentation of controversial public issues, a more energetic effort to include on radio programs representatives of underprivileged groups in radio. Specifically, I might mention working farmers, Negroes, labor, and such non-profit organizations as cooperatives. Additional improvement would result if a diversity of groups was represented in radio station ownership and if the true role and function of the FCC were recognized.

Other speakers have urged you to listen critically to radio programs, local and network. I wish to join my voice with

theirs, adding this suggestion. After you have listened, speak! If you have heard balanced programming, equal treatment of opposing views, tell the station, the network; tell the FCC and your friends. Those are the programs which will maintain and extend democracy. But if you have heard a one-sided presentation, then speak up, too, for by your silence you will be voting for the loss of important rights that you are entitled to as a listener.

PAUL D. P. SPEARMAN[5]

I SUPPOSE THAT MY THINKING AND MY ANSWER to the question, "Should Radio Have an Editorial Policy?" conforms to the thinking of no other man; that I may be put down as a nonconformist from the very outset.

Briefly, I am personally opposed to any attempt to infringe upon or limit the right of free speech, whether by radio or otherwise. I am a stickler for the maintenance of all constitutional rights and am unalterably opposed to any tinkering with any of them by Congress or by any administrative agency which the Congress may create. I believe, however, that there are legal rights which should be exercised most sparingly, and I do not believe any of them should ever be abused. Because editorializing is such a tremendous responsibility, I personally believe that the right to editorialize should be exercised, if at all, only in extraordinary circumstances. The right should be used only when it follows the ascertainment of all facts and an objective analysis of them, and these requirements can be set only by men of outstanding experience who possess the highest order of common sense and good judgment.

Editorials, in my opinion, should never be broadcast with reference to controversial issues which admit of logical argument, both pro and con, supported by facts. Such questions should be reserved for bi-partisan discussion to the end that the public may get the benefit of all the facts, and to the further end that intelligent listeners may form their own opinions on the basis of the facts presented on both sides of the subject, without having to depend upon the argument of another.

My real thinking on the subject of editorials can best be stated by referring to an experience I once had in court. I argued in support of a motion then before the court. During

[5] Attorney, Washington, D. C.

the course of the argument by my adversary, in opposition to the granting of the motion, he was interrupted and asked by the court, "Does counsel challenge the power of the court to grant this motion?" My adversary quickly flashed back the answer, "Counsel does not challenge the power of the court to grant the motion, but he does say that if the court exercises that power the court should be impeached!" That just about states my position with reference to editorializing.

The right of free speech is guaranteed by the First Amendment to the Federal Constitution, and I, like millions of others, am adamant in my opposition to any attempt at limitation of that right, and *that* regardless of who may attempt to circumscribe it.

The Congress is completely devoid of power to limit or restrict the plain meaning of the First Amendment to the Constitution. Further, it is axiomatic that the Congress cannot confer power upon an administrative or quasi-judicial agency to do that which the Congress itself is precluded from doing. In short, the Congress cannot clothe the Federal Communications Commission with power or authority to restrict the right of free speech, and any attempt to confer such authority on that Commission would clearly be unconstitutional and invalid. It follows as a matter of course that the Federal Communications Commission has no authority to promulgate a rule or render a decision which would prohibit the broadcasting of editorials by radio. Actually, for the Commission to make such a rule or by decision establish such a precedent not only would violate the First Amendment to the Federal Constitution, but would be a clear violation of Section 326 of the Communications Act which specifically prohibits the Commission from exercising any power of censorship over that which is broadcast by radio stations.

If it should be assumed that broadcast stations are to go in for editorializing on this, that and the other subject or issue, what, in general, may be expected? In the main, we could expect the slanting of editorials in the direction of what would be best personally for the broadcaster. Since he is limited to receiving a license for a maximum of three years and must apply to some agency of the Federal Government every three years for the right to continue in business, that simply means that under a Democratic Administration he would tend, in most cases at least, to go along with the Democratic line of thought,

and under a Republican Administration the same slanting in the direction of the administration in power would follow as inevitably as the day follows the night.

All of this is true because radio broadcasters are dependent for their very existence upon securing licenses at the hands of the Federal Government. Broadcaster after broadcaster would seek advantages through editorial support of the "powers that be" and attempt to convert that advantage into some reciprocity of a favorable nature.

The Congress provided in the Radio Act of 1927 and in the Communications Act of 1934 that broadcast stations must be fair and offer equal opportunities to legally qualified candidates for public office. That was unnecessary unless the Congress was convinced that what I have just stated would be the result if stations were left to do as they pleased and editorially favored one candidate over another.

Many have overlooked the fundamental proposition that the frequencies or wave lengths on which broadcast stations operate do not belong to the licensees of stations, but on the contrary belong to all the people. These frequencies serve as pipelines into the millions of American homes. One American citizen has the same fundamental right as any other citizen to argue in support of his views on any subject. Since it would be impossible for all people to air their views by radio, such rights become empty, indeed, if a few out of many millions are permitted to fill the air with editorials in support of their pet ideas.

The fact is that many of those who argue that editorials should be broadcast by radio are erroneously convinced that they possess superior intellect to their fellows, and that they must mount a white horse and lead the community, the state, or the nation in the right direction. My personal belief is that those who are most vociferous and clamor loudest for this are much less capable than the quieter and calmer thinker who has not become inflicted with such a superiority complex that he almost, if he does not, honestly believes that he can lift the world up by his own bootstraps.

There are others who would broadcast editorials out of a deep-seated desire to be dramatic or sensational. Still others who would do the same thing even though they knew in advance they would make trouble for others and get into trouble themselves, but always hoping they would turn out to be self-made heroes.

This adds up to a very great danger for radio broadcasting in general. To me it means that broadcasters should exercise restraint and pinch themselves to see whether they are awake or sleeping when they decide they want to lead the procession in saving the world through broadcasting editorials. Frankly, I am convinced that only a small minority of broadcasters would go in for editorializing even if the Congress enacted a law and the Federal Communications Commission made a rule specifically permitting such activity. Most broadcasters are men of good judgment and all honest commercial broadcasters freely admit they are in broadcasting for the reason, among others, of making an honest dollar. Some short-sighted bigots actually take the position that profit is the only thing which motivates broadcasters, but any such assertion is based either upon ignorance or depravity.

I take the position that although neither the Congress nor the Federal Communications Commission has the right to restrict the right of free speech, and the Commission does not have the right to censor programs or make rules or render decisions which would do the same thing, broadcasting should continue to grow and fill its great destiny as a transmitter of intelligence rather than trying to be an interpreter of that intelligence or a proselyter of the public. I repeat—the public is able to understand facts and is quite capable of reaching correct conclusions. Let radio give them the facts.

DISCUSSION

I. KEITH TYLER,[6] Presiding

CHAIRMAN TYLER:

The first period of this discussion will be among the people on the panel. We hope to sharpen up some of the conflicts, if there are conflicts.

MR. ALAN GRIFFIN:[7]

I am disturbed by the line of thought which says that constitutional freedom of speech is a major issue in this discussion. It seems to me that limitation of freedom of speech would come if we said to broadcasters, "You cannot have the same access to public facilities as other people."

I see no reason why a broadcaster who represents a group that is discriminated against or is not being heard should not have a right to

[6] Ohio State University.
[7] Ohio State University.

go to any station other than his own and demand time to express that group's judgment. I don't see how freedom of speech enters into the question of the broadcaster's right to use a facility, a wave length, over which he has monopoly, in the interest of expressing his own opinions. It would seem to me that he is not at all shut off any more than anyone else from the regular channels of freedom of expression.

MR. HOWELL:

I would just like to ask Mr. Griffin if he means that he is opposed to the broadcaster's having equal access to his own facilities along with the other members of the general public. Do you believe, then, that a clarification of that particular language of the Mayflower decision is in order?

MR. GRIFFIN:

I think, Mr. Howell, you raised the difficulty that worries most of us when you pointed out that, in those abundantly desirable things your own station did, you said: "the listeners had faith in us and had faith in the station." Therefore, the listeners gave more support and more attention to your statement of the situation.

I don't think there would be any difficulty with the Commission in your case. However, if a man owned a radio station and decided to use that control to air his political or economic views steadily and incessantly, it seems to me that such broadcasts probably would not merit special attention and special consideration. I should think that radio broadcasters, like the rest of us, ought to be required to get "space" rather than having a special access that is barred to the rest of us.

Substantially, Mr. Fly says, directly in answer to your question, that he favors letting the decision stand where it is.

MR. SPEARMAN:

Mr. Chairman, in talking about the infernal Mayflower decision, I suppose I am the only living man who knows what is in that record because I spilled blood in getting it in. The man who heard that case is now dead.

I don't think the Mayflower decision should have been written as it stands.

I think it should have been thrown into the ashcan rather than released. I think the Federal Communications Commission still ought to say something that would indicate they do not feel bound by the decision.

The decision went all out in left field. It didn't decide the case on the record. It simply set up a prerequisite for someone to meet before he could get a license. If that wasn't censorship—the way it was handled—I am a monkey.

The Commission established a precedent. It set up a condition to

be sworn to before it would renew a license, and this amounted to nothing less than censorship. The applicant was told in advance what he could not do, and he should not have been told any such thing.

In addition to that, the record in the Mayflower case would not support a lot of these generalities about editorializing. The cold fact is that the Mayflower case shows, in many instances, that my client, John Shepherd, was but one voice crying in the wilderness against a lot of things that are similar to the things that Mr. Howell mentioned.

I don't think the Mayflower case relates to the things Mr. Howell cited. I think he is to be commended for them. But, I don't think they are editorials in the strict sense of the word. I think he is just doing a good public service job in carrying out enterprises which are good by their own self evidence.

But about this Mayflower decision. I think it ought to be thrown in the ashcan. That's where it should have gone in the first place.

MR. LEIGH:

I don't find many differences between the five people who have spoken. A definition would help to resolve some of the differences, but the definition is certain to leave a "twilight zone," as Mr. Fly pointed out in his paper.

Mr. Howell talked about editorial advocacy. There are a great many public problems in which a radio station, with an interest in the community, can render notable service. Broadly speaking, these are non-controversial things and I should say that the Mayflower decision probably never was intended to prohibit such discussion. We might all agree they are legitimate.

On the question of "partisan advocacy," as some of the speakers have phrased it, I join in the point of view that an owner of a station may engage in it if he so chooses, provided he maintains the balance of argument on his own station. I go further than that, however, and if I were a station manager I would choose the extremely difficult task of trying to be an umpire and an interpreter, which is at direct variance to being a partisan advocate.

MR. SAYLER:

I have a question for Mr. Spearman. In the absence of the Mayflower decision, what is a group to do that has views opposed to those expressed over its community radio station, when the radio station refuses to grant time?

MR. SPEARMAN:

I think that radio broadcasters ought to afford equal opportunity for the presentation of any question of importance in the community. Naturally they have to exercise some discrimination; there would not be

enough time in the 24 hours otherwise. In this connection, I think the public interest very often is much better served by affording separate times for people to present conflicting views. I don't want to leave the impression that I think all these questions ought to be aired in the form of debate.

MR. HOWELL:

I want to say to Mr. Sayler that broadcasters have no quarrel with the requirement relating to political candidates being accorded equal access to facilities. The question at point is actually whether, under the inference that may be drawn from the Mayflower decision, the broadcasters have an equal opportunity themselves to use their own facilities.

I would like to ask you a question, Mr. Sayler. At present, the UAW-CIO has an application for station facilities on file. In the operation of your station, do you propose at any time to editorialize on labor's behalf?

MR. SAYLER:

We have stated in our application to the FCC that we will follow the principles we espoused in the Columbus WHKC case—we will give equal time and fair treatment to all opposing views. I will say, further, that in each city where we have applied we have asked the Chamber of Commerce or the Manufacturers' Association to set up a regular weekly program to be heard over our station. We also have addressed similar offers to the AFL and the CIO.

CHAIRMAN TYLER:

We will have questions from the floor now, please.

MR. BURTON PAULU:[8]

Most of our speakers seem to be in pretty general agreement so what I have to say is in the nature of a footnote.

The average person seems to have more faith in news reports heard over the radio than in news read in newspapers. Like all of you, I am aware of the editorial policies of newspapers—policies which often are reflected in the handling of the news columns. Yet, when I listen to news on the radio I am seldom aware of any personal feelings one way or another. I am convinced that one of the reasons for the wide prestige enjoyed by radio news reports is the fact that listeners have come to identify radio stations as impartial purveyors of news. If radio should adopt a policy to editorialize at one point, they might well do so at another point; in other words, in their normal news programs.

MR. HOWELL:

May I comment on that? I think that editorials never should be presented as part of a regular news broadcast. This would be highly

[8] University of Minnesota, Minneapolis.

unethical. I think we all agree on that. Newspapers have a separate section for editorials and I think radio should follow that pattern.

MR. DAVID R. MACKEY:[9]

I would like to ask Mr. Spearman a question. The wording of the First Amendment is exactly the same now as it was when the Bill of Rights was inserted in the Constitution. Do you believe the meaning of these words has changed? When we say "free speech" now, does it mean exactly the same thing that it meant then?

MR. SPEARMAN:

If there has been any change, it has been in application because of new mass means for communicating to people. There has been a change in the interpretation of the courts on a lot of the provisions of the Constitution. But I still think free speech means free speech, and I do not think Congress has any right to restrict it or abridge it. Obviously, if Congress does not have that right it cannot confer the power to anybody else.

MR. THOMAS J. PAGE:[10]

I would like to inquire a little further with Mr. Spearman regarding the definition of free speech. As a person, an individual may stand on a soap box or stump and sound off at his pleasure. But when he has a microphone and his voice reaches an unnumbered group of people, then he becomes an institution. While the Constitution may deny the right to prohibit the free speech of an individual, I think it has been well established that organizations are in a very full sense susceptible to control. Certainly that must be true of the owner, manager, or other responsible official of the broadcasting station.

Would Mr. Spearman care to speak to that?

MR. SPEARMAN:

I will have to give you the answer of one of our law partners. He is one of the numerous people who disagree with me. He takes the position that since the radio frequencies belong to all the people, Congress is the regulatory body to determine how the people's property shall be used. Therefore, Congress does have the right to put certain limitations on the use of the people's property which it would not be permitted to invoke if the frequencies were not the property of the public itself.

I do not go along with that. I do not think Congress ought to monkey around with free speech. My law partner agrees with the implication of your question entirely, and he goes further. He thinks

[9] Northwestern University, Evanston, Ill.
[10] Station WNBC, New York.

Congress should pass a law prohibiting all editorials. I don't believe that, either.

MR. PAUL W. MCGUNE:[11]

In listening to Mr. Howell, I wonder why couldn't we have editorial programming that would be more or less in the public service? It would be something for the blind to hear; something for those who do not know how to read.

MR. HOWELL:

I appreciate that view very much. I think in the field of adult education, radio and the educators have a great challenge and a great common area of agreement. The small items, in which there are honest differences of opinion, are of little consequence compared to the great problem that lies ahead.

MR. SAYLER:

There are two questions I would like to address to the members of this panel.

One has to do with the matter of the presentation of public issues. In 1941, the FCC made a survey covering a six-months' period, on the number of stations carrying programs on such subjects as Lend-Lease, Convoys, Basis for Defense, and the general question of isolation or intervention. At the time, these were hot questions. The newspapers were full of them. Out of 844 stations, 388 reported they had one or more network programs on this general subject. Between 200 and 300 stations carried not a single program on these issues during the six months' period.

My second question is this: What is a substantial group in a community to do when the radio station refuses it time on the air to voice its views on a controversial issue?

MR. A. A. SCHECHTER:[12]

In fairness to the local stations, I will answer part of the first one. Mr. Sayler overlooks the fact that practically every radio station has from four to eight news broadcasts a day. While stations may have no debate on certain subjects, they carry volumes of news broadcasts, citing both sides of that issue and quoting important people on it.

CHAIRMAN TYLER:

We still await some reply as to what a representative of a substantial group is to do when he is denied facilities.

MR. EDGAR KOBAK:[13]

What you shall do is write your Congressman.

[11] Station WBNS, Columbus.
[12] Mutual Broadcasting System, New York.
[13] Mutual Broadcasting System, New York.

MR. SPEARMAN:

Mr. Chairman, on this question I have taken the position, ever since I joined the staff of the Radio Commission in 1929, that the only excuse for the existence of a radio station was to carry programs, and that those programs ought to be such as would serve the public interest.

If substantial groups are denied the right to present their views, in a decent way, by competent people who know the answers, I think, frankly, that is a failure on the part of the station. It ought to be chalked up against the station.

MR. SAYLER:

It seems to me that broadcasters, educators, and the general public need to understand the true role of the FCC and the fact that radio channels are public property. The only way this can come about is through some specific language of the FCC, spelling out public interest and what public interest means in the ownership and operation of the radio channels.

We need to have opposing views broadcast on all live controversial issues that affect the public. In the past year, if there had been some spokesman on the radio who was heard regularly every night on the issue of price control, taking a point of view opposed to that of Fulton Lewis, I believe we would not be in some of the trouble we have today on the matter of high prices.

MR. LEIGH:

I would suggest there is a special function of the broadcaster in our society. He must serve both as a judge and interpreter. It would be worthwhile for our society to have the 1,000 or more people in charge of radio trained to perform that function well. I believe this would be a more valuable function than that of partisan advocacy, which obviously station managers could do as well as the people they hired.

MR. SCHECHTER:

Mr. Sayler, will you answer one question? There was a little matter of a coal strike recently. The head of the coal association wanted time on the air but John L. Lewis wouldn't talk. What do you recommend in such an issue?

MR. SAYLER:

If the question is an important controversial issue, one side should not be able to bar the other from the air by refusing to participate.

MR. ERIK BARNOUW:[14]

I would like to pursue further the question of what an organization can do if refused time on the air. The only answer so far is that at a later time, possibly three years away, it could fight against renewal of

[14] Columbia University, New York.

that station's license. Does any member of the panel see a possibility for developing a more rapid solution?

MR. LEIGH:

I believe that the rather awkward system we have also has its advantages. The FCC is not likely to deal with a specific program as this might tend to approach censorship. It is an accumulation of grievances that might bring action by the FCC.

MR. SPEARMAN:

This system of ours is called cumbersome. But I would rather have it than the system in some countries, where all you have to do is hand so much coin of the realm to the officer in charge of communications to get what you want. I will take the old American way. I don't know of any problem that is of such great importance you would have to tear down the door.

MR. GRIFFIN:

Does that mean that groups denied access to the air really can do nothing much except wait three years to protest about renewal of the license?

MR. SPEARMAN:

The answer is, No. The Commission's licensing procedure is such that if you want to apply for somebody's facilities you don't have to wait until that fellow's license expires. The Commission can decide the whole business in 30 days and revoke a license. I am not saying it is done with regularity, but it is possible.

MR. HAROLD WAKELY:[15]

Speaking as chairman of the Tri-City Radio Council, I wish to outline a problem facing us. We have a religious news commentator who simply reads the report from a competent religious news service. The program is non-partisan. It represents news of all faiths. However, our program is censored by the station. All of the items that relate to controversial subjects are deleted. We have to maintain good relations with the station. We cannot make an appeal to the FCC for a hearing in this case. Yet we would like to have a specific statement from the Commission so that we could approach the station manager and say: "Here it is. We would like to have a better deal."

MR. SPEARMAN:

You apparently want the Commission to make a rule you can use as a club to force on the program something you say the station has been censoring. You refer to this as a censorship of things which are controversial.

One of the worst things that can happen in any community is

[15] Troy, N. Y.

religious strife. If this station is simply deleting controversial statements that would stir up the feelings of somebody who belonged to another faith, I think the station is to be commended.

MR. WAKELY:

That is not the case in our particular situation. We are supported financially by Jewish organizations as well as the Protestant Councils of three cities, Albany, Troy, and Schenectady. We are interested only in doing the kind of a job that the National Conference of Christians and Jews is doing. We are trying to promote good will between religious groups.

CHAIRMAN TYLER:

I think we are getting into the area of the station's responsibility. Legally the station is responsible for everything that is broadcast. It has to exercise editorial discretion. The question is how far it should go. I don't know if there is any definite answer.

MR. SIG MICKELSON:[16]

I wish to say a few words about this question of editorializing on the air. Personally, I am strongly in favor of taking a vigorous stand on matters of public interest. I think we have done so at our station. Many stations are doing so. Generally speaking, however, I do not believe we are ready. We do not have the qualified researchers to go into these questions and produce the facts on which to base our positions.

When editorializing on the air comes, it should not be a case of the manager exercising his personal opinions, as publishers of some newspapers have done.

CHAIRMAN TYLER:

That seems to be a good note on which to close. I will attempt briefly to summarize. We have clarified the fact that there is in this group no difference of opinion on the matter of presenting vigorously matters of public interest which are not particularly controversial. On the other hand, we have had the extreme proposal that "radio stations should be as free as the newspapers." In between we have the twilight zone of matters of partisanship. Here we found some difference of opinion, both among the audience and in this panel, as to just how far radio might go.

[16] Station WCCO, Minneapolis.

PHONE 332 IT PAYS

APR 14 1950

K-G-E-Z

"Northwestern Montana's Station"

Kalispell, Montana

DON TRELOAR, MANAGER

March 6, 1950

Dear Fellow Broadcaster:

It may be you do not agree with the reprint enclosed herein, but inasmuch as I subscribe to the basic principles of this discussion, I thought it worthwhile enough to pass along to you.

Sincerely yours,

Don

Don Treloar

DT:jf

ABOUT THE MAYFLOWER CASE

a reprint from

THE COMMONWEAL

July 1949 by

Edward J. "Ted" Heffron

"FREE AIR OR HOT AIR"

"This is the greatest single victory in behalf of freedom of expression in this nation since the Zenger case . . . over a century ago." So said the president of the National Association of Broadcasters in commenting on the June 1 report of the Federal Communications Commission entitled, "In the Matter of Editorializing by Broadcast Licensees."

The Board Chairman of one of the major networks referring to the report as a "reversal of the Mayflower decision," hailed it as a "great forward step for broadcasting in this country."

David Lawrence, on the other hand, referred to the report as "thought control," and said, "Republican and Dixiecrat owners of stations had better learn promptly the new goose step of conformity."

Whatever it is, then, this report seems to involve questions of considerable interest to the general public. What is it?

In 1939, the Mayflower Broadcasting Corporation asked the Federal Communications Commission for the frequency then enjoyed by Boston Station WAAB. It charged that WAAB had not been living up to the statutory condition on which continuance of all radio licenses depends -- that is, service of the "public interest, convenience, or necessity" -- inasmuch as it had been editorializing in favor of certain political candidates to the exclusion of their opponents.

The Communications Commission found the Mayflower Corporation unsuitable as licensee of a radio frequency but felt obliged, nevertheless, to take notice of its complaint against WAAB, particularly since the station's license was up for renewal (under the law, radio licenses may not be granted for periods longer than three years, and are then subject to renewal). The matter was under consideration until January 16, 1941, when the Commission issued a Decision and Order -- known as the "Mayflower Decision" -- in which it said:

> ". . . A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.
>
> "Freedom of speech on the radio must be broad enough to provide full and

equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively, and without bias. The public interest -- not the private -- is paramount. . . "

Since WAAB had discontinued editorials in September 1938, and filed an affidavit which undertook not to resume them, the Commission renewed its license. Nevertheless, these two paragraphs of the Decision established an important precedent.

* * *

The question was: What did they mean? Did they mean that broadcasters must give access to the microphone to all views except their own; or did the second paragraph qualify the first and establish the principle that all views, insofar as possible, should be heard over the air, including the broadcasters' view?

It doesn't seem reasonable that the Commission could have meant the former; if it had, it is hard to see how the courts could have upheld it; but even if such meaning had been intended, and if it were sustainable on review, a test case was indicated, for -- as far as I know, and I believe I am familiar with all the cases -- neither the Communications Commission, nor its predecessor, the Radio Commission, has ever, in 22 years, withheld renewal of license on the basis of such a technical violation as this would then have constituted, when coupled with a showing of bona fides.

Why wasn't there a test case? The reason seems to be that the broadcasters weren't particularly interested in the responsibilities of editorializing. The vast majority of them were primarily businessmen. They were chiefly interested in selling time. Hence, little was said about the Mayflower Decision. What was said was largely favorable.

In 1946 the Commission issued a report which became famous (in the radio industry, infamous) as the Blue Book. It reminded broadcasters that there weren't enough channels in the air to permit everyone who wanted to do so to broadcast wherever he wanted, at whatever power he wanted, in whatever directions he wanted. (Actually the air over the whole country accommodates less than 3,000 of our 140,000,000 people, far more than half of these have the only available channels in their respective communities, and less than 30 enjoy choicest facilities.) It reminded them that, since this was so, Congress had declared radio channels to be public property, in which no one could acquire a property interest; that radio could be used only on license, and that licenses were to be granted not for private benefit but for benefit of the public; that the Commission, before granting new licenses or renewing old ones, was to scrutinize promises or performances to see if they were "in the public interest, convenience, or necessity," and to grant or withhold accordingly.

The Blue Book then went on to suggest that the Commission might have difficulty in finding that a station which sold nearly all of its time for "commercials", which didn't have a balanced schedule of religion, education, news, good music, etc., was operating in the public interest.

This was a threat to the till. So the broadcasters launched a violent campaign against the Blue Book, against the Commission, against the "public interest, convenience, or necessity" requirements of the Communications Act. The plea? Free speech. For a federal agency to tell a broadcaster how he must broadcast, even in the most general terms, was to interfere with his freedom of speech. As the president of the National Association of Broadcasters declared before a Senatorial Committee, free speech would be violated even if the Commission told an eccentric broadcaster that he couldn't get a renewal if he insisted on playing a record of "The Old Gray Mare" over and over again, hour after hour, day after day, year after year.

* * * *

It was in connection with this anti-Blue Book crusade that the Mayflower case was resuscitated. For the Commission to tell a broadcaster he could not air his own views on controversial subjects was clearly to limit his freedom of speech. Even to tell him that he could not be unfair and discriminatory in airing controversial views, the broadcaster now said, was to infringe upon his guarantees under the First Amendment.

Thus the attack upon the Mayflower Decision was simply a part of the larger campaign "to make radio as free as the press" -- entirely overlooking the fact that the number of possible newspapers in any given community, and in the country as a whole, is unlimited, and that the press is therefore not a licensed industry. (An editor can be as one-sided as he wants, because the other sides always have their remedy; i.e., they can start their own papers, just as big and just as widely circulated -- depending, of course, on their means and abilities and on the popularity of their views, but not depending on governmental restraints imposed by way of preferential and exclusive licenses).

For purposes of their attack on the Mayflower Decision, and of their radio-as-free-as-the-press campaign, it behooved the broadcasters to interpret the Decision most rigorously. They thus centered their fire on the first of the two paragraphs in the Decision, ignoring the second.

They finally whipped up such a furore over the case that the Commission scheduled hearings in March and April of last year. The industry (save for a maverick or two, like Ed Craney) lined up solidly against both of the two possible interpretations of the Mayflower Decision. One of their spokesmen expressly insisted that, under the First Amendment, broadcasters must have the right to be unfair in their editorializing. This view was implicit in the testimony of nearly all their spokesmen.

This is the background of the Commission's report of June 1, 1949. What the report holds, in substance, is that the original Mayflower rule, as set out in the two paragraphs quoted heretofore, is to stand -- only it makes clear that the second paragraph is to be underscored as qualifying the first. What it says, is that the program budget of any station

> "may include the identified expression of the licensee's personal viewpoint as part of the more general presentation of views or comments on . . . various issues, but the opportunity of licensees to present such views as they may have

on matters of controversy may not be utalized to achieve a partisan or one-sided presentation of issues. Licensee editorialization is but one aspect of freedom of expression by means of radio. Only insofar as it is exercised in conformity with the paramount right of the public to hear a reasonably balanced presentation of all responsible viewpoints on particular issues can such editorialization be considered to be consistent with the licensee's duty to operate in the public interest."

While this report as a whole is a prime example of federal prose in its most tortured state, it is sound. Remembering that, in more than half the towns enjoying radio facilities, all facilities are under one ownership, the practical reasons why the only broadcaster in town should not be allowed to monopolize the air with editorials in behalf of the NAM or the CIO or the Democratic Party, are obvious enough.

* * * * * * *

The constitutional question is clear, too, on a moment's reflection. The First Amendment guarantees free speech. It guarantees it to all citizens - to 140,000,000, not a mere 3,000. Some limitations on this freedom are inescapable - thus Justice Holmes said that one is not free to shout Fire in a crowded theatre.

There is not room in the radio spectrum for a radio station for every citizen who would like to broadcast; and of the relatively small number which can be accommodated, there must be discriminatory differentials as to power, broadcasting hours, direction (around-the-compass or directional antennae), and clear channels (less than thirty of these). So even-handed freedom to broadcast is limited of necessity. If it is no violation of the Constitution to deny applicant X altogether or to limit applicant Y to 250 watts, it is no violation to grant a 50,000 watt license to applicant Z ON CONDITION that he serve not merely his own interest, but the public interest.

Broadcasters, in attacking the relative deprivation suffered by Z as a result of this CONDITION, are opening the way for X to assert his absolute deprivation and thus to attack the whole licensing system. In the NBC case, the Supreme Court of the United States, considering NBC's contention that certain Commission regulations abridged its right of free speech, said: "If that be so, it would follow that every person whose application for a license to operate a station is denied by the Commission is thereby denied his constitutional right of free speech." If the industry's case against the Mayflower Decision and its claims for a radio as free as the press are ever recogonized, therefore, it will be at the cost of validating the claims of all the rejected applicants who desire to cut in on what broadcasters now enjoy as exclusive or quasi-exclusive franchises.

Their present preferential licenses are worth more to broadcasters than all their physical equipment and good will put together and multiplied a hundred times. One wonders, therefore, why they should expose themselves to attack on this very vulnerable point. But I suppose it is not the first time that businessmen have become so blinded by their short-term interests as to be unable to see where their legitimate long-term interests lie.

One can still wonder, however, why some broadcasters are hailing the June 1 report as a great victory in behalf of their conception of freedom of broadcast expression - meaning, of course, "radio as free as the press." If one remembers the vigorous fight they put up to torpedo the whole of the Mayflower Decision - the more lenient interpretation as well as the more rigorous - one may be tempted to suspect that, winking one eye, they are really saying, "What a good boy am I."

HXR99 mayflower 4-21-48

(ATTENTION EDITORS)

WASHINGTON---THE AMERICAN VETERANS COMMITTEE SAYS RADIT STATION OWNERS SHOULD SERVE AS "UMPIRE" AND NOT ADVOCATE IN PRESENTING PUBLIC ISSUES OVER THE AIR.

JEROME SPINGARN, COUNSEL FOR THE VETERANS GROUP, TESTIFIED BEFORE THE F-C-C TODAY IN SUPPORT OF ITS BAN AGAINST RADIO EDITORIALIZING. HE SAID THE COMMISSION SHOULD RETAIN THE "MODERATOR" FUNCTION OF STATIONS AND EMPHASIZE THEIR OBLIGATION TO PRESENT ALL CONTROVERSIAL ISSUES FAIRLY.

THE COMMISSION IS HOLDING HEARINGS TO DETERMINE WHETHER TO REVISE ITS SEVEN-YEAR-OLD RULE WHICH FORBIDS STATIONS TO EXPRESS EDITORIAL OPINIONS.

E. R. VADEBONCOEUR, REPRESENTING STATIONS W-S-R-Y AT SYRACUSE AND W-I-N-R AT BINGHAMTON, NEW YORK, SAID IN A PREPARED STATEMENT THAT THE PUBLIC WANTS AND NEEDS EDITORIAL BROADCASTS. HE SAID THAT BECAUSE SOME BROADCASTERS MIGHT ABUSE THE EDITORIAL RIGHT DOES NOT ALTER THE PRINCIPLE THAT FREEDOM OF SPEECH APPLIES TO RADIO AS FULLY AND AS RIGHTLY AS TO THE PRESS.

EG229P4/21

HXR163

4-21-48

(ATTENTION EDITORS)

(SUB) Mayflower

WASHINGTON---THE FEDERAL COMMUNICATIONS COMMISSION TODAY WAS ATTACKED BY OPPOSING SIDES FOR ITS BAN AGAINST RADIO EDITORIALS.

FRANK WALDROP, NEWSPAPER (WASHINGTON TIMES-HERALD) EXECUTIVE AND COLUMNIST, CALLED THE COMMISSION "THE PRINCIPAL ENEMY OF FREE SPEECH NOW OPERATING WITHIN THE GOVERNMENT." WALDROP SAID THE AGENCY SHOULD REVOKE WHAT HE CALLED ITS "RECKLESS DECREE" WHICH FORBIDS STATIONS TO EXPRESS EDITORIAL OPINIONS OVER THE AIR.

OTHER WITNESSES, INCLUDING THE C-I-O UNITED AUTO WORKERS AND THE NATIONAL LAWYERS GUILD, SAID MOST RADIO STATIONS DO NOT OBEY THE BAN. THEY INSISTED THAT THE COMMISSION GIVE STRICTER ENFORCEMENT TO ITS RULING

AFTER HEARING ALMOST 50 WITNESSES, THE COMMISSION TODAY ENDED PUBLIC HEARINGS ON WHETHER TO CHANGE OR SCRAP THE NO-EDITORIALIZING RULING CONTAINED IN ITS SO-CALLED MAYFLOWER DECISION OF 1941.

AV1049P4/21

Mayflow 4-21-48

AP 170

(ATTENTION STATION MANAGERS--FOR AIR USE IF DESIRED)

(WITH AP 129)

WASHINGTON--THE FEDERAL COMMUNICATIONS COMMISSION TODAY HEARD ITSELF CALLED "THE PRINCIPLE ENEMY OF FREE SPEECH NOW OPERATING WITHIN THE GOVERNMENT OF THE UNITED STATES."

WASHINGTON TIMES-HERALD COLUMNIST FRANK WALDROP APPLIED THE DESCRIPTION IN AN APPEARANCE BEFORE THE COMMISSION TO PROTEST THE SEVEN-YEAR-OLD F-C-C BAN AGAINST RADIO STATIONS "EDITORIALIZING" ON PUBLIC QUESTIONS."

WALDROP ASKED FOR REVOCATION OF THE BAN AND "A GENERAL CORRECTION OF PAST POLICIES" RELATING TO SUPERVISION OF BROADCASTING.

WALDROP SAID: "THE LAW DID NOT APPOINT YOU AMERICA'S NURSEMAID, SCHOOL MA'AM OR CENSOR,"

THE NO-EDITORIALIZING RULE WAS AS STAUNCHLY CHAMPIONED BY NORMAN MATTHEWS, CHAIRMAN OF THE UAW-CIO INTERNATIONAL RADIO COMMITTEE.

HE SAID THE WORDING OF THE BAN ITSELF--"A TRULY FREE RADIO CANNOT BE USED TO ADVOCATE THE CAUSE OF THE LICENSEE"--STATED THE CASE FOR RETENTION.

MATTHEWS CONTENDED THAT BOTH THE LETTER AND SPIRIT OF THE RULE ARE FREQUENTLY VIOLATED BY RADIO STATIONS. HE SAID THAT "THE LICENSING OF BROADCASTERS TO EDITORIALIZE WILL BE A MOVE TOWARD A MONOPOLY OF OPINION CHANNELS IN THE COUNTRY."

F-C-C TODAY CONCLUDED A SERIES OF PUBLIC HEARINGS ON THE QUESTION OF AMENDING OR REVOKING THE RULE.

LOUIS CALDWELL, ATTORNEY FOR WGN, THE CHICAGO TRIBUNE STATION, DESCRIBED THE BAN ON A STATION AIRING ITS OWN OPINONS IN PUBLIC CONTROVERSIES AS CLEARLY UNCONSTITUTIONAL.

"THIS MATTER OF EDITORIALIZING BY BROADCASTERS IS ONLY A SMALL SEGMENT OF A FAR-REACHING AND FUNDAMENTAL PROBLEM, INVOLVING OUR PHILOSOPHY OF GOVERNMENT AND A CORNERSTONE OF DEMOCRACY ITSELF," HE SAID. "THE PROBLEM IS THE CONTROL OF RADIO PROGRAMS BY THE GOVERNMENT, NOT JUST THIS PROGRAM OR THAT PROGRAM, BUT PROGRAMS AS A WHOLE."

AMONG GROUPS PLACING STATEMENTS IN THE RECORD TODAY IN BEHALF OF THE RULE WERE THE AMERICAN JEWISH COMMITTEE, AMERICAN VETERANS COMMITTEE, AND NATIONAL LAWYERS GUILD.

DEMANDS FOR REVOCATION WERE ENTERED BY SPOKESMEN FOR THE MOTION PICTURE ASSOCIATION OF AMERICA AND NATIONAL ASSOCIATION OF BROADCASTERS.

TA946PES 21

FROM: SK

ATTENTION OF:

____ Skornia
____ Bidlack
____ Hill
____ Holt
____ Blackburn
____ Schooley
____ Underwood
____ Secretarial
____ Winnie (personal attention)
____ Other:_____
_X_ Strandjord T. S

ACTION:

____ For your information
____ Please handle
_✓_ File archives
____ Return
____ Comment and return
____ Supply background info.
____ Newsletter
____ Other:_____

_____

DATE:_____

IOWA STATE DAILY

TWELVE PAGES | IOWA STATE COLLEGE, AMES, IOWA, FRIDAY, NOVEMBER 4, 1949 | Vol. 79, Number 35

Expert Hopes For 'Square' Shooting Pheasant Season

An Iowa State college wildlife specialist today said that "square" shooting will be as important as sharp shooting when the 1949 pheasant season opens at noon, Nov. 11.

R. B. Moorman pointed out that by square shooting he means shooting only cock pheasants and leaving hens. By shooting cocks only, breeding stock can be maintained and there'll be plenty of birds to hunt next year. Killing a hen pheasant cuts the following year's crop anywhere from three to six birds.

He also appealed to hunters to observe the short hunting day. Then the birds have a chance to feed in the forenoon, and with the close of the hunting day at 4:30 p.m. they have a chance to get back to roosting areas before dark. This gives the pheasants a chance to escape hawks, owls and predatory animals, according to Moorman.

Livestock Show Begins Monday At Dairy Farm

The 1949 Little International gets underway at the college dairy farm Monday afternoon at 2.

Co-eds representing dormitories and sororities will vie for the title of Milking Queen in a milking tournament staged during the afternoon. Finalists will compete in the evening show which starts at 7 in the Animal Husbandry pavilion on campus.

Sixty entries of dairy cows and heifers will be shown during the afternoon. Over 160 beef cattle, horses, swine and sheep are scheduled for appearance in the ring during the evening. All livestock in the show is owned by the college and apportioned to the students by lot.

Entries will be judged completely on showmanship and fitting. Division champions will receive trophys while breed winners will be presented with statues, ribbons or medals. State and national breed associations as well as individual breeders have donated the trophies and awards.

A Sigma Chi 8-piece band will furnish music for the evening show. Various humorous acts are scheduled.

The Little International is completely managed by students. Mervin Bredensteiner, is chairman; Allen Korslund, assistant chairman; Robert Myers, business manager; Norma Stong, secretary; Duane Acker, publicity; Naomi LeBey, decorations; William Lowry, beef superintendent; Deane Rinner, swine superintendent; Kendall Kimberlain, sheep superintendent; Gene Egli, horse superintendent; Norbert Kash, dairy superintendent.

Anyone desiring transportation to the dairy farm for the afternoon show should meet at the fountain by Memorial Union at 2.

Little International, sponsored by Block and Bridle Club, originated at Iowa State in 1913 largely through the efforts of Dr. P. S. Shearer, head of the Department of Animal Husbandry, then a graduate student, and C. M. Arnett, a professor of livestock management. The show has been widely copied by other schools throughout the nation.

Judges will be Iowa livestock leaders. They include Bill Hitz, City, dairy judge; Don Rin- Washington, swine judge; Roy Rippey, beef judge; Don Pul- terloo, sheep judge; Grant Ogden, draft horse judge; Linn, Des Moines, saddle dge.

TODAY'S WEATHER

Today should be another fine day according to the weather man. Today's high temperature should exceed yesterday's. With a clear sunny day the thermometer will rise to the sixties.

Grads Don't Write—

Lost Forever

Fifty thousand names from Aaberg to Zwiep are now in the files of the Iowa State Alumni Association. The headaches involved when the office tries to maintain current addresses of all of those 50,000 can only be imagined.

The only way the alumni office has of keeping abreast of the changing addresses is through letters from friends and relatives that are thoughtful enough to inform the office of changes.

The whereabouts of a certain percentage of lost alums is obtained sometimes when the dead letter office returns issues of the Alumnus, with the changed addresses, but these instances are all too few.

It is a constant fight for the office to maintain an accurate file, which is the only way that the College can keep in touch with graduates.

W. E. Barron, president of the association said that it would be greatly appreciated if more letters were received from friends or relatives of alumni that have been married or have changed their addresses.

Barron also expressed a hope that future graduates would keep in closer touch with the college.

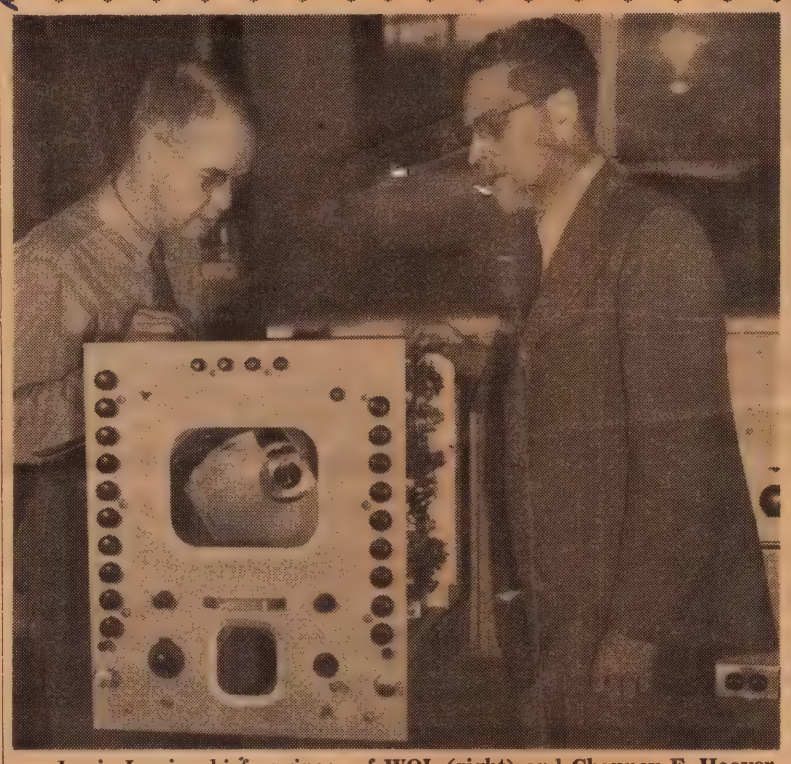
Graduation Caps and Gowns Will Be Available Next Week

Graduating seniors may rent caps and gowns between 8 a.m. and 5 p.m. on Monday, Tuesday, and Wednesday next week in the Cardinal Guild office in Memorial Union.

Rental prices for Bachelor's gowns will be $2; Master's, $2.50; and Doctor's, $2.75.

Mortar Board, senior women's honorary society, sponsors the rental.

WOI-TV Equipment Arriving; Coaxial Cable Now Being Laid



Louie Lewis, chief engineer of WOI, (right) and Chauncy E. Hoover, transmitter supervisor, look over the new G-E television console which arrived Monday.

WOI Will Be First Educational Station

Television equipment for WOI-TV now is in the transmitter building, acording to Louie Lewis, chief engineer for Radio Station WOI.

The first carload of an expected two-carload shipment now is in the process of uncrating preparatory to installation in the WOI FM transmitter building which was built last year.

WOI, the first education station in the country to be awarded a television permit, will conduct its TV broadcasts from the new transmitter building during the early stages of operation, said Lewis.

Installation of the RCA-built TV broadcast antenna has been completed, and according to Lewis the laying of the coaxial cable connecting the transmitter and the 580-foot antenna will be completed within a few weeks, weather permitting.

Actual production of the television shows which are to begin "sometime after the first of the year," will originate in the transmitter building via the medium of the newly developed kinescope and 16-mm film projected into a special film television camera.

The kinescope utilizes the process of filming a TV show directly off the end of a picture tube, thus making it possible for net work presentations to be carried by stations not being served by a network cable.

Educational-type films, some of them made by the college, will make up a large portion of the scheduled video shows, according to Richard B. Hull, director.

Agriculture extension WOI service information, programs dealing wih all phases of homemaking plus children's programs, will be available daily for Iowa viewers.

Reviews of sports and other events of all types both on and off the campus will also find their way into the cameras of WOI-TV as will video network programs.

The latter feature will come with the scheduled arrival in this area of network relays "sometime in October, 1950," according to Hull.

Engineers Return From Three Day Field Trip To Kansas

Fourteen faculty members and students of the Department of Aeronautical Engineering returned from a 3-day field trip to Witchita, Kan. this week.

Among the places visited was the Boeing Aircraft plant where the B-47, gigantic six-engine jet bomber, is being built.

Carl N. Sanford, head of the department, said that the plane is so large that the covering on the wings is one-fourth of an inch thick.

The faculty members and students also visited the Beech Aircraft company where they saw the Bonanza being assembled.

'Duck Drake' Rally Slated For Tonight

Students are requested to wear raincoats in the parade for the "Duck Drake" pep rally which will start from Friley Hall tonight at 7 o'clock, Lura Mae Whitfield, of the Pep Council, announced.

Everyone will follow the band and cheerleaders to reach the rally, as the destination for the parade has been kept secret. At the head of the parade will be an Ames fire engine.

The reason for the raincoats will be disclosed at the pep rally. The program will be different from any this season.

The Pep Council requests that students do not drive cars in the parade tonight.

Award To Be Given for Article On Welding Design Building

Prizes totaling $700 will be given to winners of the A. F. Davis Undergraduate Welding Award Program.

The author of the best article on welding which is published in an undergraduate magazine will be awarded $200 and an additional $200 will be received by the publication in which the article appears.

The author of the second best article and the magazine in which it is published will each receive $150.

The contest is open to any undergraduate of any college or university in the United States, its possessions, or Canada. The article may cover any phase of any type of welding or its application to design and construction.

Foresters Attend Meeting

Several staff members of the Department of Forestry will attend the fall field meeting of the Iowa sub-section of the Society of American Foresters today and Saturday at Manchester.

Among those attending will be G. B. McDonald, former head of the Department of Forestry, who is chairman of the group, and G. W. Thomson, secretary.

A business meeting is scheduled for today. Saturday the group will visit forested areas of Delaware County and Pine Hollow State Forest.

GAMBOL'S 'MAESTRO OF MIRTH'

Humor, comedy, melody and reverie will be provided by George West, who will be an entertainer at the Gridiron Gambol, Friday Nov. 11. West, known as the Maestro of Mirth, produces music with anything from a clarinet to a common rubber hose, according to Homer Fieldhouse, general chairman of the Gambol.

An all-college event, the Gridiron Gambol features a barbeque lunch, pep rally, professional acts, and a dance.

Movie 'Our Iowa' Shows Japanese The American Way

A movie, "Our Iowa," has been shown by a former Iowa State Psychology professor to 10,500 Japanese to inform them of typical American characteristics.

The film, a part of the college's Visual Instruction Service library has been shown 81 times in the Yokahama and Tokyo areas by Lt. Col. Lyle K. Henry, formerly of Iowa State College.

In a letter written to H. L. Kooser, Director of the Visual Instruction Service, Col. Henry said the film was selected to inform the Japanese of typical American characteristics. He pointed out that the film has had tremendous coverage by both American and Japanese personnel in Japan.

The 16 mm. sound motion picture illustrates the various aspects of life in Iowa. It shows the industrial and agriculture development including traditional Iowa events and recreational opportunities.

Ginny: please paste on punc ed 8 x 11 and put in "Mayflower Book"--remember the one either in our file or the NAEB file on the Mayflower case.

DH

Freedom for the New Communications.

A reader, commenting on our recent editorial, "Radio Editorials Up For Hearing Again," raises a question: "If and when radio facsimile newspapers become common, what should be the rule covering expressions of editorial opinion?"

The question is an important one. We said in our editorial that the changing technology of communication makes any conclusions about freedom to editorialize by radio tentative. Although we mentioned only television, we might properly have included both frequency modulated radio (FM) and facsimile printing by radio.

(A report on the background of federal licensing of radio stations and control of program content, together with some of the implications for facsimile newspapers is presented on this page today.)

It is conceivable that the *limited* freedom of radio stations might be changed to *complete* freedom—as complete as the freedom of newspapers— if FM radio becomes general. FM transmission permits a great number of radio stations to broadcast simultaneously without interference. Government licensing might become so free (like the second class mailing permit of a newspaper) that it would be feasible to remove all restrictions on radio broadcasts of opinion.

The same general conclusion may hold, also, for television. The limited range of television may mean that many more stations could be established all over the country—enough so that licensing would become free enough to permit editorializing by station owners. On the other hand, television development may take other directions; no one can be sure.

The key to freedom for broadcasters to editorialize is freedom of entry into the business. That is the reason why radio station editorializing is restricted now—because of the necessity for government licensing of the limited number of radio frequency channels available.

Facsimile printing by radio raises still more troublesome problems. Is it radio or is it printing? Since facsimile will be transmitted by FM radio, the same conclusions probably would hold for it as for FM sound broadcast.

We are entering into completely unexplored fields of communication at breakneck speed these days. It will take level-headed statesmanship to develop procedures consistent with our basic tenets of freedom of speech and freedom of the press.

DAVID LAWRENCE declares: mar 4

'Liberals' for Free Speech Except in Radio Broadcasts

WASHINGTON, D. C.—There's lots of talk on "liberalism" and "civil rights" and "free speech" emanating from radicals hereabouts, but when it comes to applying the principle to radio broadcasting, their idea seems to be to restrict it or to let the government apply virtual censorship or to regulate it by government decree.

LAWRENCE.

The opposition, which wants the radio opened up so that opinions can be expressed freely, is considered 'reactionary" or at least that is the main basis of the present edict—the fear that private companies owning radio stations may not be tools of the radicals and may possibly introduce a conservative point of view once in a while.

Actually it is amazing that in free America the question of whether radio stations shall be permitted to express editorial opinions should be debated. Maybe Moscow papers had better not notice the hearings going on now.

* * *

Maybe the fact that the Federal Communications commission, a government agency, forbids editorial expressions—which will be a surprise to most Americans—ought to be concealed lest the communists cry "Hypocrisy."

USURP POWER.

But the truth is that an owner of a radio station cannot express his views as does the editor or owner of a newspaper or periodical. The excuse for all this is that the wave lengths are limited in number and hence the government must regulate their use. Now there are plenty of channels. Multiplicity has resulted from inventions.

The original idea was that regulation should merely prevent mechanical collisions or interferences and that wave lengths or "frequencies" should be allocated to stations that could perform program service.

Gradually the Federal Communications commission usurped the power given to it by congress to handle mechanical allocations and insisted on going into program content.

* * *

It is denied, of course, that the commission does this but when it issues an order forbidding editorial expressions there can be no doubt about the implied censorship of views.

"DEMOCRACY DANGEROUS."

The argument is advanced that radio is different from newspapers or periodicals in that persons of limited knowledge or intelligence could be easily misled by agitators and that the government must always keep control.

This is but another way of saying that the people of America cannot be trusted and that democracy is dangerous.

* * *

In the course of the last several years many agitators have, by one means or another, gotten a hearing on the radio. The people sometimes turn off these speakers or listen with amused tolerance. America has not suffered because of the free expressions of opinions that have come from programs with speakers on controversial subjects.

SPLITTING HAIRS.

To say that the owner may not express an opinion over his own radio station or hire any speakers to express views on current questions but that he may permit outside speakers to express editorial views is to split hairs. Yet this is exactly what the ruling of the Federal Communications commission does.

The contention is made that the ruling should require an owner of a station to allow time for "both sides." Publishers do this through letters from readers and by printing the news which day by day contains plenty of expressions of editorial opinions in the form of interviews by opposing sides.

Often one side gets printed one day, and it is several days before there is a reply. The owner of a publication doesn't feel that this delay is his responsibility. It may be bad public relations for the protagonist but the delay is not the responsibility of the medium of expression.

* * *

MEANING OF FREEDOM.

A sensible owner of a radio station will try to get both sides or lose public patronage, but to impose a government rule requiring him to do so is to edit the program of his station. It is better to allow for the occasional instances of abuse than to permit the government by law to regulate so-called "impartiality" or to say what is "both sides." Often there are a dozen sides to a controversy.

It was the late Oliver Wendell Holmes, associate justice of the Supreme Court of the United States—the greatest liberal of them all—who defined freedom of speech as "freedom for the thought we hate."

Maybe the governmental agencies which call themselves liberal do not know the true meaning of that quotation. It is surprising also to find the American Civil Liberties Union forgetting that definition, too, and insisting at the hearings on a continuance of government censorship by means of regulated program content.

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Primary Test

March 8

Ames Daily Tribune

'FREEDOM OF SPEECH' FIGHT NOW IS BEFORE FCC

By PETER EDSON
NEA Washington Correspondent

WASHINGTON — The biggest "freedom of speech" fight in a long time is now before Federal Communications commission. The broad question is whether radio stations should be permitted to "editorialize" — to take sides on public issues and to support or oppose candidates from any particular party.

Sixty different witnesses are now presenting their views at hearings in Washington. They range all the way from the heads of the big networks to representatives of a dozen individual stations. Practically no small station operators are being heard. Christian and Jewish organizations, veterans' outfits. educational institutions, political societies — like American Civil Liberties union and PCA and nearly a score of labor unions in radio are speaking their pieces.

When all the testimony is in, Federal Communications commissioners under Chairman Wayne Coy will retire to write their decision. It should be ready long before November elections. If FCC reverses present policy and allows stations to editorialize, the air waves will be opened to the many abuses of partisanship in the coming election campaigns.

A month ago FCC ruled that radio stations could not censor and could not be held responsible for libelous matter in political speeches. According to President Justin Miller of National Association of Broadcasters, this ruling has caused "consternation and confusion." But to give broadcasters further liberty to take sides on controversial issues could conceivably take all the brakes off radio and allow it to run wild. This is apparently what some of the broadcasters want.

MAYFLOWER CASE SETS POLICY

Under present law radio stations are required to operate on a non-partisan basis. If any station allows one candidate for political office time on the air, equal time must be offered opposing candidates.

Seven years ago FCC handed down what has since become known as the Mayflower decision. It contained the policy statement that "Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues."

The case grew out of an application by Yankee network for renewal of license to operate station WAAB in Boston, owned by Mayflower Broadcasting corporation. Head of Yankee was John Shepard III, who was deeply involved in Massachusetts politics. During 1937 and 1938 it was WAAB policy to broadcast editorials to support the Shepard policies.

FCC decided this was not operating on non-partisan principles. When the station changed its broadcasts to comply with non-partisan principles, its license was renewed. But the findings in this case have been basic radio policy ever since.

This non-partisan operating policy has been satisfactory to most radio stations. It has enabled them to keep out of many bitter political fights. But more prejudiced and vociferous spirits in the business say FCC policy amounts to censorship. They say radio stations should have just as much right to take sides as newspapers.

THE QUESTION WHY IS A PUZZLE

When NAB met at Chicago last fall the question of editorializing was raised again. Charles R. Denny, Jr., then FCC chairman, said if the industry wanted it, he would open up the subject in general hearings. Now Denny's hot potato is in Coy's lap.

Why broadcasters are so intent on bringing up the issue at this time is something of a puzzle. There is some belief that it is a smoke screen. The radio industry is on the pan for scheduling too many commercials, too many re-[illegible]rdings, too many soap operas and too many child-frighteners. If the radio business can put over the idea that it is being censored and persecuted by too much government regulation, it might take off some of the heat.

That the commission could be persuaded to give broadcasters less regulation "in the public interest" and more freedom of speech seems highly unlikely. Up to this year, it has been the commissions' belief that its policies have protected minority groups and saved the radio industry from many abuses of unlimited commercialism.

If these policies should be reversed and radio were allowed more freedom of speech, a lot of things might result. The radio industry might then move to get what it really wants—freedom from all government regulations, freedom to use any frequency and any power it chose, freedom to forget all its public service responsibilities, freedom to spout commercials 24 hours a day.

Facsimile and Freedom of the Press

★ ★ ★ ★ ★ ★ ★ ★ ★

Government Regulation of Broadcasting Involved in New Technique.

★ ★ ★ ★ ★ ★ ★ ★ ★

(By The Register's Editorial Page Staff.)

A facsimile newspaper is a newspaper broadcast over the air and reproduced in the home. In sound broadcasting a microphone changes sound waves into electrical impulses; then at a distance a loudspeaker changes the electrical impulses back into sound. In facsimile broadcasting the scanner takes the place of the microphone and the recorder takes the place of the loudspeaker.

With facsimile, the copy is wrapped around a revolving drum in the station. A scanner—an electric eye—changes each grade of black into an electrical impulse, which is broadcast. In the home this electrical impulse is picked up by an ordinary radio receiver and relayed to a facsimile recorder.

Static Interferes.

A roll of paper which has been chemically treated to make it sensitive to electrical impulses feeds through the recorder. The impulses turn the paper black and thus reproduce the original copy. Static blurs and blackens the reproduction. FM (frequency modulation) channels are freer from static than AM (amplitude modulation) channels. For this reason facsimile newspapers will be broadcast over FM stations to FM sets exclusively.

According to many persons facsimile newspapers have been "just over the horizon" for 20 years. However, for a variety of reasons they are just now being developed. The rapid expansion of FM stations and improvements in the sensitizing of paper after World War II have given facsimile newspapers a big push.

Relationship to Newspapers.

Most observers judge that in its present stage the facsimile newspaper will be an adjunct to the large daily newspaper. However, others disagree. Robert D. Leavitt, of the Hearst newspapers, says that when facsimile "has developed into an economically sound enterprise . . . its competition will render obsolete the newspaper as we know it today". He says that the standard newspaper has two advantages over radio today—appeal to the eye and permanence; facsimile has both of these and in addition it will be faster and more convenient.

An early facsimile receiver.

Cont. next page

Also, there is disagreement on whether facsimile will quicken or reverse the trend toward monopoly situations in the news. Some think it will increase competition by making it possible for more persons to enter publishing with less money. But some others disagree. Morris Ernst believes that facsimile "offers a further serious threat of establishing national newspapers". He said it is "not hard to imagine facsimile reproduction of a large metropolitan newspaper sent ever the ether with copies arriving simultaneously on all the breakfast tables in the land".

Question of Censorship.

Even if the facsimile newspaper turns out to be only a supplement, the question of how free it will be from government censorship will be important. It will be more important to the degree that it supplants the conventional press.

★ ★ ★

Radio stations have not had freedom of speech in the same sense that newspapers have freedom of the press since 1927. By that year there were more persons wanting to broadcast than there were AM channels available.

Airwaves Regulated.

The law of 1927, modified slightly in 1934, set up a licensing commission to regulate the use of the airwaves. The commission was directed to grant licenses and renewals only if "public interest, convenience and necessity will be served thereby." (Licenses are granted for a maximum of three years.) From the beginning the commission (then the Federal Radio Commission, now the Federal Communications Commission) has worked on the theory that "program service was a prime factor to be taken into consideration" in determining whether the "public interest" would be served by renewing the license of a particular broadcasting station.

★ ★ ★

The most striking use of the commission's powers, as applied to news broadcasts was the famous so-called Mayflower ruling in 1941. The Yankee network, operator of WAAB at Boston, had applied for a renewal.

The FCC said that WAAB had broadcast partisan editorials. This, it said, "compels the conclusion that this licensee during the period in question has revealed a serious misconception of its duties and functions under the law.

Exchange of Ideas.

"It is equally clear that, with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by the dedication of any broadcast facility to the support of the licensee's own partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented.

"A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidacies of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.

Public Interest First.

"Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain, the licensee has assumed the obligation of presenting all sides of important public questions fairly, objectively and without bias. The public interest—not the private—is paramount."

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However, the officials of WAAB established that "no editorials have been broadcast since September, 1938, and that it is not intended to depart from this uninterrupted policy . . . The stations has no editorial policies." Because of this the FCC renewed the license.

FCC Challenged.

"No editorial policy" was the policy of the entire broadcasting industry before and during the war. Now, however, partly because of the imminence of facsimile, some segments of the industry are challenging the FCC's right to examine program policies as "illegal and unconstitutional."

Arthur D. Willard, Jr., of the National Association of Broadcasters, has said, "Where would the vaunted freedom of the press be if the ruling of the FCC depriving radio of the right to editorialize were imposed upon the transmission of newspapers by facsimile?

"Where, indeed, would freedom of the press stand if . . . a newspaper's editorial policy were to be required as evidence of the determination of a facsimile application which might involve an issue of economic life or death for the paper? Will newspapers in the future in applying for facsimile facilities be required to provide sustaining pages, discussion pages and so on?"

★ ★ ★

Former Chairman Denny of the FCC has said he agrees that a facsimile newspaper "has got to have exactly the same privileges and the same freedom as the newspaper which the boy leaves on your doorstep that is printed with ink and type".

"Unconstitutional."

Legal advisers for the National Association of Broadcasters say they are confident that the Supreme Court will declare the FCC's ruling a violation of the first amendment to the Constitution—that guaranteeing freedom of speech.

Radio spokesmen admit that radio cannot now be completely freed from government licensing, but they want to have federal supervision strictly limited to the technical and engineering sides of the industry. In this connection Byron Price, director of the Office of Censorship in World War II, has observed:

"We learned in wartime that the power to license is the power to censor, whatever statutes and regulations may say to the contrary."

March 7

Labor Political Front

★ ★ ★ ★ ★ ★

Carpenters Assessed $2 Each for Campaign.

★ ★ ★ ★ ★ ★

BY VICTOR RIESEL.

NEW YORK, N. Y.—I'm betting that millions for the big political purge campaign soon will be rolling into union war chests — because those labor shock troops, the business agents, have been directed to gather the greenbacks.

RIESEL.

Don't believe the myth which pictures the business agent as a flat-footed walking delegate, with a derby over one eyebrow. He's a sharp, shrewd labor lieutenant, with a deep passion for following his big chief's orders intelligently among the union men in his bailiwick. Like any good district leader he knows the first names and foremost troubles of the dues-payers in the shops through which he wanders every day.

Now that he has been told to pick up a couple of bucks from each of his men for the coming political fight —he'll deliver. Like Big Bill Hutcheson's business agents, for example, who've just been ordered to collect $2 apiece from some 600,000 A.F.L. carpenters.

No Cheers.

They'll get the money just for the political purge funds which Big Bill will be spending this fall to drive from congress the men he thinks are his enemies—for Big Bill sees himself and his union as one and the same.

Big Bill has been petulantly balking at playing ball with the A.F.L.'s new political league—which I think has the right to exist and campaign for what it thinks right so long as it collects money from its people on a voluntary basis. So the thought of "Hutch" setting up an independent political division of the carpenters with a slush fund of $1,200,000 which he'll run as iron handedly as he runs his union isn't provoking any cheers in labor circles.

Another Campaign.

"Hutch" is operating out of Indianapolis, and if he arrogantly weren't convinced that those labor chiefs who disagree with him are "dumb" (his own word), he could learn something from his Midwest neighbors. Over in Cleveland, for example, the A.F.L. political strategists aren't talking in terms of a purge.

They want to get the vote out.

Milk-wagon drivers there belonging to Labor's Non-Partisan League are planning to tie "Register and Vote" tags to every milk bottle delivered in Cleveland.

To needle its people into activity the Cleveland league already has distributed 267,000 pieces of literature telling them to get busy and get out the vote. To pay for this snowfall of pamphlets A.F.L. strategists called on their business agents for a voluntary contribution of $52 apiece—just to show the rank and file that everybody's money is good in this campaign. It'll set a good example for Cleveland's 150,000 A.F.L.ers — who by the way, are shrewd politicos. Some 90 per cent of the candidates they endorsed last fall were elected.

C.I.O. and Truman

Respectfully and diplomatically — and through the proper channels— the C.I.O's highest political strategists are expected shortly to advise President Truman not to run for re-election.

That's the plan in C.I.O. political circles today. The president will be told, through some of his most famous city and state Democratic leaders, that the labor vote cannot be gotten out for him.

To save his party from apparently certain defeat, the labor chiefs will say, Mr. Truman should "choose not to run" and make way for what the C.I.O. believes to be "progressive" candidates. The two men mentioned in C.I.O. offices in the past few days are Eisenhower and Supreme Court Justice Douglas—both of whom have so far refused to consider any nominations.

C.I.O. Reasoning.

That's today's thinking in national C.I.O. quarters. November is still many sweltering months away. There's no predicting what the C.I.O.'s far-stretched "block-worker" action committees will do if Mr. Truman, as is expected, chooses to run.

But it can be accurately reported today that the C.I.O. leaders, upon whom the Democrats have been counting for a door-ringing campaign in the congested industrial centers, want Mr. Truman to refuse to head the national ticket.

Why do the C.I.O. leaders believe they can't sell Mr. Truman to the labor voters?

The C.I.O., though supporting the Marshall Plan, believes that the president's foreign policy has been inept—which is the kindest of the adjectives I heard.

Stupidity in Greece.

The labor men point, for example, to the time the Greek government stupidity made strikers liable to the death sentence in some cases. To the utter consternation of the A.F.L. and C.I.O. which support aid to Greece, the White House didn't snap back at Athens and tell the government off. White House people figuratively yawned—until they were needled into sending a memo.

In China, Chu Hsueh Fan, head of the Chinese Federation of Labor, was exiled by Chiang. The White House did nothing although A.F.L. and C.I.O. leaders tried to get action as futilely as they tried to get it on Palestine. If you're a labor chief, those things are hard to explain to your people. And they're typical incidents.

But all this doesn't mean the C.I.O. has split with the Democratic party. Not at all. There'll be C.I.O. leaders from California to New York as delegates to the Democratic National Convention.

But this time, so far, they feel they have no one to cheer in '48.

And now the C.I.O.'s Political Action Committee is starting election "block worker" schools to teach its campaigners how to canvass door-to-door. First such "institutes" will be held shortly in Iowa and Minnesota.

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STATEMENT OF RICHARD B. HULL, PRESIDENT, NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS, AND DIRECTOR OF RADIO, IOWA STATE COLLEGE, AMES, IOWA

MR. HULL. My name is Richard B. Hull, I am president of the National Association of Educational Broadcasters, and director of radio of the Iowa State College, which operates a daylight station with us, WOI, on the 740 I-A clear channel.

My appearance in these hearings has been authorized by the NAEB board of directors and by Dr. Charles E. Friley, president of the Iowa State College.

My concern as a representative of the NAEB and WOI is two-fold: First that the principle of a truly free, competitive, and unmonopolized system of radio broadcasting in the United States be better understood and more adequately protected, and secondly, that adequate broadcast facilities be made available to those licensees who are anxious and uniquely able to serve that portion of the radio public not now served, and not likely to be served either by proponents of superpower or by existing educational stations under the presently limiting system of radio rules and regulations.

My duties as director of radio at the Iowa State College include those of supervising and managing radio stations WOI and directing the development of its FM and television stations. I have been associated with WOI in the several capacities of announcer, news editor, production manager, program director, and director over a total period of more than 7 years. For 3 years I served as agricultural extension radio specialist of the University of Minnesota, working with the University of Minnesota Station KUOM, and produced farm programs for the university over various commercial stations.

During two other periods I did both general and farm broadcasting for WOSU at the Ohio State University and KOAC at Oregon State College. In each instance I was primarily concerned with the problem of serving a predominately rural audience with program material, not otherwise available, which related not only to the business of farming but the business of living.

I would like to have the committee know that my appearance here is entirely voluntary. No one has urged me to come here to testify. Neither the several stations of the National Association of Educational Broadcasters nor WOI will suffer any economic loss as a result of decisions which may be made as a result of this committee's action or action of the Federal Communications Commission.

Listeners to our stations, however, will continue to be deprived of a unique service, if the status quo continues, and a superpower grant might well, in certain instances, further limit the already limited facilities of these educational outlets. In other words, with a superpower grant or even a continuance of the status quo, the listening public stands to lose, not the educational licensee.

I think the committee should also know that the clear-channel group, perhaps exercising more optimism than good judgment, through one of its stations suggested that Iowa State College assume a position with respect to S. 2231 which in view of the facts and the previous record it was not possible for the college to assume. From information I received from several other quarters, I would judge the pressure was similar to that experienced at Iowa State College.

These requests turned out to be more a matter of interest than concern in this circumstance, but in a sense they typified an ardent wooing of the farm group of which the committee may be aware and which to the radio industry is an old, old story. This ardent courtship over a period of years, directed at the American Farm Bureau Federation, the National Grange, and scores of colleges and agricultural groups has resulted in many weddings.

Too often, I think, the record will show the unions were barren and the spouse unfaithful. Obviously, the clear-channel group's interest in the farmer as a farmer is secondary to their interest in him as a part of an advertising market.

Senator Reed. Mr. Caldwell, are you listening?

Mr. Caldwell. I am reading it very closely.

Mr. Hull. The real concern is to provide the farmer with adequate rural radio service, a point on which all parties concerned agree. Our objection to the official clear-channel group approach is their persistent unwillingness to honestly examine certain sociological and economic facts and their equally persistent assertions to farm groups, the Federal Communications Commission, and others that the I-A clear channel way is the only way. One is reminded of a statement once made by Dwight Morrow: "Men have two reasons for everything—the one they state and the real reason."

The National Association of Educational Broadcasters is composed of over 90 members which include such well-known institutions as Columbia University, The University of Southern California, the University of Michigan, the University of Oklahoma, and a number of land-grant colleges such as the University of Minnesota, Michigan State College, Ohio State University, Oklahoma A. & M., and Iowa State College.

The membership comes from 30 States and the Territory of Hawaii, and at the present time operates 23 AM and 32 FM stations. May I hand the committee a list of our active and associate members?

Of the 23 AM stations, only 4 operate unlimited time, and the remainder, 19, operate daytime only, or on a share-time basis, according to records of the Federal Communications Commission. The committee may already be aware through its senatorial representation in the several States of the unique and special services provided by NAEB stations. In New York City, for instance, NAEB Station WNYC, owned by the city of New York, serves that metropolis with weather service, United Nations information, and other programs nowhere else available. NAEB Station WOI, owned by Iowa State College, is shown by independent commercial survey to have a regular listening audience of more than 185,000 families, not individuals, for its farm and home service. NAEB Station KOAC, licensed to Oregon State College, was preferred over all other stations for Oregon rural listening.

I have personal knowledge and experience with respect to several of these stations, having been in their employ at Corvallis, Oreg.; St. Paul, Minn.; and Columbus, Ohio, but naturally my most intimate knowledge stems from WOI in Ames, Iowa, where I have been longest, and of which I am now director.

If the committee will not regard it as presumptuous, and since it does typify in many respects the operation of NAB stations and their capacity to provide special radio service, I should like to acquaint you with what this station is and what it does and what it wants to do. I think the committee then may better understand our point of view and our concern for serving the listening public.

Station WOI is owned and operated as a part of the Iowa State College of Agriculture and Mechanic Arts. It receives its funds from general State taxation. The college is responsible to a president who reports to a board of education appointed by the Governor of the State. Established in 1921 and in continuous operation since 1922, WOI sells no commercial time, devotes itself entirely to education and public service programs, good music, and farm and market information for the world's richest agricultural territory.

In this area are produced more than 25 percent of the commercial hogs in the United States, and within the State's borders is 25 percent of the grade A farm land in the country.

Senator Reed. You are not bragging about that, are you, Mr. Hull?

Mr. Hull. It might sound like a chamber of commerce commentary, Senator, but those are official records of the Department of Agriculture, both State and National.

We use 34 people in our staff, 24-hour service of United Press, Associated Press, and the complete leased wire facilities of the marketing section of the United States Department of Agriculture, involving two teletypewriter channels, the Western Union CND service and the Chicago Board of Trade grain ticker service; it employs an expert market editor and an expert farm editor, also.

WOI uses the transcription facilities of the World Broadcasting System, Standard Radio, and its own library of 15,000 phonograph records, which are primarily of a classic nature. WOI draws on the resources and skills of more than 500 faculty members of the Iowa State College, the agricultural experiment station, the Agricultural Extension Service, and one of the leading technical libraries of the world.

Dr. Charles Brown, librarian emeritus, just returned from a special assignment in which he advised General MacArthur, at the general's request, about the restoration of Japanese libraries. All of these services are made available to WOI listeners.

The 1946 Broadcast Measurement Bureau station audience report gave WOI a regular listening audience of 189,260 families, or 662,410 individuals. A survey made by Dr. Forest Whan for I-A clear-channel Station WHO in Des Moines reported WOI as the No. 2 station in rural preference in Iowa out of more than 35 stations.

WOI operates on the 640 clear-channel frequency, using 5,000 watts power from local sunrise to sunset. A special service authorization was granted by the FCC after prolonged litigation and over the protests of KFI, I-A clear-channel station in Los Angeles. This special authority permits WOI to go on the air before sunrise at 6 a. m., to present farm and market information to the important

early morning farm audience. KFI, incidentally, based its protest on this 6 a. m., service by WOI to Iowa farmers on the contention that Iowa State College interfered with KFI's early morning transmission in California. I will only remark that 6 a. m. Iowa time is 4 a. m. California time.

WOI is required by present rules and regulations of the Federal Communications Commission to cease operation at local, or Iowa, sunset, and is not permitted to broadcast full time night because of alleged interference with KFI, Los Angeles.

Senator Johnson. Did you hear KFI's testimony, Mr. Hull, before this committee?

Mr. Hull. I did not have that opportunity.

Senator Johnson. How they bled for the farmer; how they lived for him! It was really quite touching.

Mr. Hull. It always has been a matter of interest to us. As a matter of fact, in the Federal Communications hearings one time Mr. Caldwell asked us, in what to me seemed to be rhetoric, if Iowa State College, that great agricultural institution, wanted to penalize the California farmer by providing interference between the two stations. At the same time he had been testifying previously about the highly useful frost-warning service which KFI extends to its California farmers, which no one will quarrel with. Yet the examination of the California map shows that the citrus-growing areas in California, which are the primary users of KFI service, are all on the western side of the mountains in an area where interference would in all probability not occur, if it did exist, and even at the most remote and extended definition of interference.

I will put it this way. We found that a little unpalatable.

Senator Johnson. If you do not mind, I would like to put into the record at this point a telegram signed by 21 operators of rural area radio stations in southern California, located outside of Los Angeles and San Diego Counties, in which they say:

The undersigned owners and operators of 21 rural-area radio stations of southern California located outside of Los Angeles and San Diego Counties resent and protest the erroneous and misleading testimony presented to your committee by Floyd D. Young, of United States Weather Service; Eugene Jarvis, Roy McLain, and certain employees, of radio station KFI. Their testimony shows entire lack of knowledge of the service now available in this agricultural area as rendered by these 21 stations.

If the frost-warning service should be suspended by KFI these 21 stations would continue to give in their agricultural areas a more superior frost-warning and agricultural service than is now given by KFI, providing the weather information is made available by Mr. Young.

We urge passage of the Johnson bill.

Then the 21 radio stations signed as follows:

Southern California Rural Areas Broadcasters Association, by W. L. Gleason,

KPOR; J. C. Lee, KFXM; Eugene W. Lee, KFXM-FM; Ernest L. Spencer, KOCS; Jerene A. Harnish, KOCS-FM; Ernest L. Spencer, KVOE; Wallace S. Wiggins, KVOE-FM; Gene Williams, KPRO; Riley Gibson, KREO; Dayle I. Osman, KXO; Carl Phillips, KPAS; James Guthrie, KBMT-FM; California Rural Network by Charles Gibson, KPOR; Glenn Dunham, KROP; Charles Love, KXCO; Carl Hyman, KOTO; S. Kim Gerrald, KRNO; Stan Reynolds, KPOR-FX; Bob Wareham, KUCB; Richard Williams, KARO; Woodrow Miller, KCSB; B. C. Boatright, KWTC.

Mr. Hull. It may be of interest to note—and this is one of the major areas, if not the major area of our concern—that with us WOI presents more market news to its rural listeners than any station in the United States, according to the Department of Agricultural Records; it provides more good music to Iowa listeners—and I will say parenthetically that farmers appreciate music of a high caliber as well as other people—than any other station in the State, and more farm and market information.

WOI follows a policy of what we call alternative listening; that is, provides a contrasting and special-program service with respect to the offerings of other radio stations in the same area, believing that listeners deserve a choice in their program tuning, and the opportunity, if they desire, to hear something other than soap serials. WOI tries to give them a balanced program cross-scheduled against other regional stations. In other words, we adhere to the idea that the listener should be able to choose what he gets, and have an opportunity to make that choice. The comments we get from listeners resulting from that policy are numberless.

I want to give only excerpts from two to show what I mean. Mr. and Mrs. H. Reeves, from Cedar Rapids, Iowa, wrote us that:

We are extremely happy about your new schedule for your market service. There has not been for years, if ever, a radio source which afforded such fine and up-to-the-minute market information. Keep it going. We like it.

Then this other significant statement which underlies the policy of our station and all NAEB stations. Mrs. Emma Lou Heusinveld, from Guthrie Center, Iowa, writes:

I will take WOI at Iowa State College, WSUI at the university, WNAD at the University of Oklahoma, or the station from the Concordia Seminary at St. Louis, Mo.; those stations are doing the job Marconi meant for radio to do—good music, educational programs, classroom broadcasts, and so forth, with emphasis on the good music.

All of those stations, I might add, are noncommercial educational stations.

Iowa State College has long felt WOI's inability to broadcast at night was a severe handicap. As any commercial broadcaster will tell you, the largest radio audience is available at night when the entire family is at home.

In 1945 an Iowa College survey showed 65 percent of Iowa farmers wanted farm programs at night. This was true despite the statement of Victor Sholis, who, speaking for the clear channels, had previously stated the contrary. His opinion, if I recall correctly, was simply that farmers did not want programs at night.

WOI has made repeated efforts before the Federal Communications Commission to secure nighttime operation privileges and was, of course, party to the recent clear-channel hearings before the Federal Communications Commission, along with eight other college and public-service stations performing service daytime only.

Due to these limitations, the roster included KUOM, University of Minnesota, Minneapolis, Minn.; WCAL, St. Olaf College, Northfield, Minn; WNAD, University of Oklahoma, Norman, Okla.; WOSU, Ohio State University, Columbus, Ohio; WHCU, Cornell University, Ithaca, N. Y.; Oklahoma A. and M. College, Stillwater, Okla.; and WNYC, city of New York.

Each of us felt the necessity in this period of world crisis and tension to present more and better information on world and national issues more often and to the largest audiences—the night audiences—in our areas, and to offer the public not four network points of view or one or two clear-channel points of view, but a choice. With us, what the commercial broadcasters call public interest programing, and too often regarded as a painful necessity by them, is our first and major and only interest.

Each of these stations are class II stations on a I-A clear channel. Each of these stations is prevented from furnishing nighttime service by present rules and regulations. Each of these stations is blocked by a I-A clear-channel station whose farm program materials come from our institutions.

In other words, the farm program of most of these I-A clear-channel stations that they use are derived from material furnished by the land-grant college.

I have here copies of a letter from the Iowa Farm Bureau Federation addressed to Senator Tobey which, in substance, states that the need and desire on the part of its 126,000 Iowa members for WOI to operate at night to bring programs of culture, information, and special market news not otherwise available to its farmer-member listeners. I submit the copy to the committee.

I have here also copies of a letter from the Western Grain and Feed Association addressed to Senator Tobey. This is the largest State organization of grain and feed dealers in the United States, with over 1,100 members in Iowa. The letter was written by Mark G. Thornburg, secretary. Mr. Thornburg was for years secretary of agriculture of Iowa.

In substance, it points out the unique and otherwise unavailable system of grain reporting made available to Iowa listeners through the cooperation of this organization and the Farmer Grain Dealers of Iowa over WOI. The letter describes the general service of WOI, regarded by the writer and his associates as presenting a unique and valuable contribution, and he notes the expressed need and desire of 65 percent of Iowa farmers for nighttime service from WOI and his hope that this committee and the Federal Communications Commission will give due attention to these facts in order to grant WOI nighttime operation.

I have here a third letter from the Farmer Grain Dealers' Association of Iowa, a cooperative, which lists a membership of approximately 100,000 in Iowa.

Written by Don Edison, secretary for the organization, it puts the association on record as wanting the Senate committee to bring forth a decision which would enable WOI to serve rural Iowa with full day and night operation in order to permit farmers and tradespeople to get additional seasonal and long-time outlook market information. Present Federal Communications Commission rules prevent and the I-A stations now oppose this extended operation.

Surely, the Senators must understand how difficult it is for Iowa State College to explain to Iowa taxpayers its inability to operate at night with this service by saying Federal regulations require us to protect clear-channel I-A station in Los Angeles, over 1,500 miles away. Iowa farmers can't hear KFI, and California farmers can't hear WOI. The people in between can't and don't want to hear either station. They have their own.

And yet, KFI is protected against alleged WOI interference from the eastern borders of Nebraska to the rolling Pacific. If interference did really exist, engineers tell us it would not be significant, except in the Colorado-Wyoming area where farm listeners are not concerned with the citrus growing in California or the corn and hog problems of Iowa. Their problems are cattle and sugar beets, apples, and irrigation.

A further fact which contradicts the interference argument is that on several occasions WOI has been on the air at night with special temporary permission to broadcast special events, such as the National Farm Institute in Des Moines or an address on atomic energy by Senator Hickenlooper. This has brought no reports whatsoever of listener interference. This further confirms our feeling that KFI, as a member of the clear-channel group, might perhaps be more interested in protecting a very valuable facility--and expanding it--to its own financial advantage than it is in scrutinizing what the interests and needs of the public actually are, and what radio service they require, and how that may best be provided them.

I submit, gentlemen, that the clear-channel stations have never been willing impartially and comprehensively to survey the real needs of various regions of the country. Rather, fearful that any such exploration might diminish their present preferred position, they have opposed any change, and any thorough exploration, and answered all arguments by stating I-A clear-channel service is the only means of serving rural America--and, we may assume in the same breath, they mean I-A service by the present licensees.

On Saturday last I talked with an official of the American Farm Bureau Federation. That organization gave this committee its official point of view last week. I was surprised to learn that this individual was unaware that if superpower were given to I-A clear-channel WCBS in New York it might emasculate station WRFD owned by the Farm Bureau in Ohio. This official's apparent understanding was that WRFD was a clear-channel station and that super-power would not harm it.

WRFD is on a clear channel but is not a clear channel, and hence neither seeking nor protected against superpower--which is the real issue. It makes me wonder if the proponents of superpower, in contacting these farm organizations, have really spelled out the total implications for the AFBF, the National Grange, and so forth. NAEB is particularly conscious of these implications in view of the fate of one of our members, KOAC--which, I might say, is a station in name only; not on the air.

KOAG was granted a construction permit by the Federal Communications Commission to serve rural Oklahoma. This permit was then revoked, and the whole issue thrown into the United States Court of Appeals because of a I-A clear-channel-station objection.

WHAS, Louisville, Ky., argued that if Oklahoma A. and M. College had such a station on the air, interference would result not only at night but during the day as well. If such a contention is true in theory, with normal present 50,000-watt clear-channel ceilings, what would be the result of this in litigation and conflict with a 75,000-watt superpower grant?

The NAEB has no quarrel with the average and typical commercial station whose standardized programing is aimed at the objective of attracting the largest audience. However, it insists upon the necessity of enriching radio service by adding specialized and unique services, keyed to regions and areas, which are now offered by college and university stations—on a limited daytime basis only.

It seems inconceivable to me that 26 superpower clear channels could even attempt to fulfill such a function. The very nature of the monopolistic position they would automatically acquire together with the standardized programing policy they would be almost certain to follow, would hinder, not help, a better American radio in the sense above.

The NAEB submits that in its opinion college and university stations should be permitted to meet the needs and wants of its own particular radio audiences at night, in the same manner as it now meets them during the day.

The grant of superpower to the present I-A clear channel licensees would not only prevent college and university stations from securing nighttime broadcast hours which are so essential in order to reach the largest audience, but would also have the effect of seriously curtailing the service to the present radio listening audience during the day.

The NAEB does not request the promulgation of a rule which would automatically break down all of the clear channels. It believes that the issue on which clear channels should be broken down and under what circumstances, should depend upon the relative merits of each case. It submits that the Commission's rules should provide for a procedure whereby daytime radio stations licensed to universities, colleges, and public-service agencies may apply for a license to operate at nighttime on class I-A channels.

Such applications should be designated for hearing and the particular station then operating on the channel should be made a party to the hearing.

On the basis of the record established at the hearing, where each of the parties would be permitted to introduce testimony on the need of service to the respective areas, the Commission can grant or deny the application for additional nighttime service on the clear channel. We are not asking for special favors. We are not asking for special protective rules.

We, the educational broadcasters, are asking for a comparative consideration of the merits of each of our specific particular cases. This is the democratic method. This is the fair method. This is the method by which public servants, who are the judges of conflicting interests, should make a fair and equitable distribution of radio facilities among applicants.

We are not asking for a redesignation of the class of stations which are presently operated as class 1-A clear channels. Under our proposal their designation will remain the same and, consequently, the protection required to them from stations outside of the United States will remain the same as it is now.

The following statement, approved at the annual convention of the NAEB in Chicago, October 25-27, 1947, will summarize and explain very clearly, I think, our point of view with respect to the Johnson bill:

The NAEB believes that the distribution of radio facilities differs fundamentally from the distribution of the other media of mass communications, such as newspapers and films, because its primary source for distribution belongs to the public at large. Unlike any other media, it draws it right to do business from licenses issued by a Federal regulatory body on the basis of "public interest, convenience, and necessity." Thus, the licensee has a clear duty to serve not only the general public but the particular interests and needs of the area and region in which the station is located.

The NAEB further believes that its member stations are especially equipped to serve, have the duty of serving, and do, in fact, serve specialized local audiences. This special service includes, among other things, a large range of program content--from special farm and market programs to classroom lectures, educational talks, and discussions on matters of public interest.

The NAEB believes that an integral and essential part of the concept of public interest, convenience, and necessity is the correlation of program content to the local and particular needs of the community surrounding each station. This criterion should be of paramount importance to the Federal Communications Commission in its grant of facilities and promulgation of rules. The NAEB submits that it is physically and practically impossible for any one group of 1-A stations--clear-channel stations--to actually serve the highly specialized and local needs of communities which lie beyond their own immediate area.

This is particularly true, insofar as it applies to varied needs of farmers. Just as it is impossible for a Chicago daily newspaper to provide Florida citrus growers with local news, or the Minneapolis daily newspaper to serve adequately the citizens of New York City, it is impossible for class 1-A stations to serve effectively listeners half a continent away.

The programs of clear-channel stations which would be subject to interference by the simultaneous operation of an NAEB station nighttime are not of particular interest to the listeners residing in the areas of interference. Listeners in these areas necessarily rely upon stations located in their immediate vicinity for news, market, weather, other items of information, and general entertainment programs--network and non-network. A clear-channel station located hundreds of miles away cannot serve this function. This is evident from merely inspecting any map of United States crop and livestock areas, which show the diversity of agricultural pursuits in the various States.

Granted that clear-channel stations do provide some general form or program service to distant areas, it is submitted that the public interest would better be served by permitting an NAEB station to serve its own area with its unique type of service at the cost of depriving some clear-channel station of a comparatively small number of listeners in distant areas of a general type

of program service, particularly when such listeners have available to them programs from other stations closer to them.

In reaching its conclusions in this matter, the committee is urged to consider the unique public service rendered by educational and non-profit stations and the principle that the resources of American educational institutions should be available to the citizens which support them. The quality of program service should be the determining factor rather than the technical and arbitrary yardstick of protecting the coverage of clear-channel stations to unreasonable limits.

Upon this basis, there would be an improved broadcast service to the rural audiences, with programs designed to meet their special local needs. This proceeding could not achieve a more worthy goal.

Senator Reed. That is an excellent statement, Mr. Hull. Thank you very much.

Mr. Hull. Thank you, sir.
(The letters referred to by Mr. Hull follow:)

WESTERN GRAIN AND FEED ASSOCIATION,
Des Moines 9, Iowa, April 9, 1948.

Senator CHARLES W. TOBEY,
Chairman, Interstate Commerce Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR TOBEY: A year ago I was interested in securing up-to-the-minute grain markets for the benefit of our farmers and grain handlers.

We contacted commercial broadcasting stations with the idea of purchasing a 1-minute market broadcast of the grain markets each half hour during the market session. The commercial broadcasting stations were not interested; the cost would have been prohibitive if they had been interested. With the Farmers Grain Dealers Association, radio station WOI, Ames, was contacted and through their cooperation with the State department of agriculture we secured the broadcasting of up-to-the-minute markets each half hour from the time the markets opened until it closed, 5 days a week. This is valuable information to the farmers as well as the grain handlers.

I am reciting this instance to indicate the excellent service given by radio station WOI, Ames, Iowa. The station is anxious to continue this service and to be permitted to broadcast at night. If nighttime were made possible, the college would be able to present to farmers and to dealers more of the seasonal long-time outlook information which is so essential during these times of rapidly changing economic conditions. After 3 years of presenting testimony to the Federal Communications Commission a decision is expected soon. Whether or not educational and public-service broadcasting stations, such as WOI, may continue to serve their taxpayers, who pay for their operations, and to extend that service to night broadcast. At the present time Iowa State must be given special permission even to broadcast their athletic events at night.

Surveys indicate that a large percent of the Iowa farmers want the night farm programs which they cannot and will not get from the big radio stations, especially the information on economic outlook and farm and home practices. It is not necessary to go into the details with you as to how many more people can be served by night broadcasts.

Another reason that I am writing you at this time is that on the FCC there are four new members. These new members have not had an opportunity to hear all the testimonies that have been presented. We are sure that if they were acquainted with the exact conditions, they would be in favor of extending the request, not only of the educational and public-service stations, such as WOI, but to other similar stations.

In a recent issue of the Des Moines Tribune there was an editorial setting out briefly and accurately the situation here in Iowa. It reads as follows:

NIGHT TIME FOR WOI

"Out of approximately 200 educational radio stations in this country originally, only thirty-odd have survived. One of the most important of these survivors is Iowa's WOI at Ames. WOI and eight other noncommercial stations have been in a dispute before the Federal Communications Commission for several years regarding night broadcasting. They are limited to daytime programs now.

"Objectors to nighttime for these educational stations are the largest clear-channel stations of the country. Some of them are on the same wave length as educational stations which want to broadcast at night.

"There are three possibilities for FCC action: (1) A break-down of the clear channels, (2) reallocation of the clear channels, (3) complete support of the clear-channel stations in their proposal to maintain their channels and even increase power from 50,000 watts to 750,000 watts for 2 stations in each of 10 regions of the country.

"The educational stations, including WOI, do not ask a break-down of clear-channel service. They merely ask that they be allowed night time. In WOI's case, this would mean that a Los Angeles clear-channel station on the same wave length would have only a slight overlapping of its audience at night, unless its power should be increased beyond 50,000 watts.

"Station WOI has for many years been a valuable supplement to commercial Iowa radio service. Undoubtedly, it is handicapped by being limited to daytime broadcast. Many of the farm and home information features in which it specializes would be more effective at night when the radio listening audience is so much larger.

"Whatever the decision of the Senate committee or the FCC on clear-channel broadcasting may be, we hope that WOI can be given permission for night time. Its fine record of service to Iowa people entitles it to a fair break."

Here in Iowa we are all anxious that WOI will be permitted to continue as they are now operating with the addition of night broadcasts.

I want to apologize for writing this long letter. We are greatly interested in the outcome of the Senate hearings and the decision of the FCC. Thanking you, and with kind personal regards, I am

Sincerely yours,

MARK G. THORNBURG, Executive Secretary

IOWA FARM BUREAU FEDERATION,
Des Moines 9, Iowa, April 9, 1948.

Senator CHARLES W. TOBEY,
Senate Office Building, Washington, D. C.

DEAR SENATOR TOBEY: As president of the Iowa Farm Bureau Federation, which is composed of more than 126,000 farm families, I wish to express our views in regard to increasing the broadcasting services of radio station WOI, Iowa State College, Ames, Iowa

As a noncommercial station, WOI has proved itself very successful. Throughout the years, farm people of Iowa have acquired a feeling of high respect for its educational, public service, musical, and marketing broadcasts. Consequently, rural people are becoming more and more concerned because of the limited broadcasting time that is permitted this station because of Federal regulations. Daytime broadcasting activities fulfill only a part of the radio needs of our Iowa listeners. For example, I as a livestock producer in Dallas County find it very difficult to be on hand for market-news reports during the daytime, but would find it helpful and enjoyable to tune in for market summaries and outlook information during the more leisurely evening hours. The same holds true for public discussions on farm issues and farm problems.

We do not believe that commercial interests of large and powerful clear-channel stations should be so great that they hold a monopoly power over noncommercial, educational stations. Neither do we believe that the good clear-channel stations should be eliminated or seriously restricted in their activities.

Yet expansion of clear-channel stations is not the solution to the particular problem we have here in Iowa. It is difficult for us to see how a station situated hundreds of miles away can adequately fulfill our local and specialized interests. In other words, why should a clear-channel station be protected for a service they really cannot offer? Our 1946 American Farm Bureau resolutions pointed out: "We ask that radio service to farmers by substations be maintained and improved with reference to the special needs of people on farms." I believe the delegates had such stations as WOI in mind when they approved this particular section.

Within the last year, WOI has obtained special permission to broadcast a few sport events and farm forums about which listeners have never complained of any interference when these programs were on the air. Therefore, we see no sound reason why permanent permission could not be granted to WOI for nighttime broadcasting. Such a permission is consistent with the development of a sound communications system. It would seem to us then, that a solution to

this particular problem might easily be accomplished without harming present clear-channel stations. At the same time, the listeners of WOI would be substantially benefited.

Iowa farmers are keenly interested in this important matter and any action which will increase the broadcasting hours of WOI will be greatly appreciated not only by thousands of Iowa farmers but also by city residents.

With kindest personal regards, I remain,

Sincerely yours,

E. HOWARD HILL, President.

FARMERS GRAIN DEALERS ASSOCIATION OF IOWA.
Des Moines 9, Iowa, April 9, 1948.

The Honorable CHARLES W. TOBEY,
Acting Chairman of the Senate ICC Committee,
Washington, D. C.

DEAR SENATOR TOBEY: It has come to our attention that your committee is hearing evidence relative to Senate bill 2231 limiting power of the clear-channel stations. The Farmers Grain Dealers Association of Iowa (cooperative), representing 300 cooperative elevator organizations in the State of Iowa with a membership of approximately 100,000 farmers, would like to go on record, urging the Senate committee to bring forth a decision which would enable WOI to serve rural Iowa throughout the day with farm, home, outlook, and market-news information.

It is our understanding that at the present time WOI does operate from 6 a.m. until sundown. What Iowa really needs is a station such as WOI rendering exclusively educational and public-service programs, which can operate the full day from early morning until late evening.

At present WOI is performing an excellent service throughout the day, from sunrise to sunset, covering the current daily changes in market conditions for all Midwest farm commodities. What is badly needed is for this station to have full day and nighttime operation so that farm and home programs might be carried during the evening and early morning hours as well as from sunup to sundown. The nighttime period of broadcast is very much needed to give farm and rural tradespeople an opportunity to get additional seasonal and long-time outlook information to help them make decisions during this period of rapidly changing economic conditions.

We hope that the Senate committee hearing will assist in legislation or recommendations to the FCC which will enable educational broadcasting stations such as WOI to bring a full day of farm, home, and market information to rural agriculture.

Yours very truly,

DON E. EDISON, Executive Secretary.

LIST OF THE ACTIVE AND ASSOCIATE MEMBERS OF THE NATIONAL ASSOCIATION OF EDUCATIONAL BROADCASTERS AS OF MARCH 31, 1948

REGION I

Active members (operating own stations):
WHCU, Cornell University, Ithaca, N. Y.
WRUL, World Wide Broadcast Foundation, New York City.
WCUV-FM, Columbia University, New York City.
WHAZ, Rennselaer Polytechnic, Troy, N. Y.
WSAJ, Grove City College, Grove City, Pa.
WBGO-FM, Board of Education, Newark, N. J.
WAER-FM, Syracuse University, Syracuse, N. Y.
WNYC, Municipal Broadcasting System, city of New York.
Associate members (using other facilities):
Rutgers University, New Brunswick, N. J.
Department of Education, Schenectady, N. Y.
Pennsylvania State College, State College Pa.
United States Office of Education, Washington, D. C.
Melvin R. White, College Park, Md.
M. S. Novik, 630 Fifth Avenue, New York City.

REGION II

Active members (operating own stations):
WUOA-FM, University of Alabama, University, Ala.
WRUF, University of Florida, Gainesville, Fla
WBKY-FM, University of Kentucky, Lexington, Ky.
WABE-FM, Board of Education, Atlanta, Ga.
Associate members (using other facilities):
Alabama College, Montevallo, Ala.
University of North Carolina, Chapel Hill, N. C.
Board of Education, Columbia, S. C.

REGION III

Active members (operating own stations):
WHA, University of Wisconsin, Madison, Wis.
WDTR-FM, Board of Education, Detroit, Mich.
WOSU, Ohio State University, Columbus, Ohio
WBOE-FM, Board of Education, Cleveland, Ohio.
WKAR, Michigan State College, East Lansing, Mich.
WUOM-FM, University of Michigan, Ann Arbor, Mich.
WBAA, Purdue University, Lafayette, Ind.
_____FM, Indiana University, Bloomington, Ind.
WILL, University of Illinois, Urbana, Ill.
WBEZ-FM, Chicago Radio Council, Chicago, Ill.
Associate members (using other facilities):
Butler University, Indianapolis, Ind.
Indiana State Teacher's College, Terre Haute, Ind.
Western Michigan College, Kalamazoo, Mich.
University of Chicago, Chicago, Ill.
Ohio Wesleyan University, Delaware, Ohio.
A. James Ebel, Peoria, Ill.
Robert Davy, Madison, Wis.

REGION IV

Active members (operating own stations):
WOI, Iowa State College, Ames, Iowa.
WSUI, State University of Iowa, Iowa City, Iowa.
KUSD, University of South Dakota, Vermillion, S. Dak.
KFJM, University of North Dakota, Grand Forks, N. Dak.
KWLC, Luther College, Decorah, Iowa.
WCAL, St. Olaf College, Northfield, Minn.
KUOM, University of Minnesota, Minneapolis, Minn.
Associate members (using other facilities):
Iowa State Teachers College, Cedar Falls, Iowa.
Drake University, Des Moines, Iowa.
University of Nebraska, Lincoln, Nebr.
Cornell College, Mount Vernon, Iowa.
Grinnell College, Grinnell, Iowa.
Cedar Rapids (Iowa) Radio Council.
Des Moines (Iowa) Radio Council.
E. W. Ziebarth, Minneapolis, Minn.

REGION V

Active members (operating own stations):
KFKU, University of Kansas, Lawrence, Kans.
WLSU-FM, Louisiana State University, Baton Rouge, La.
KOAG, Oklahoma A. and M. College, Stillwater, Okla.
WNAD, University of Oklahoma, Norman, Okla.
KWGS-FM, University of Tulsa, Tulsa, Okla.
KSLH-FM, Board of Education, St. Louis, Mo.
Associate members (using other facilities):
University of Colorado, Boulder, Colo.
Colorado A. and M. College, Fort Collins, Colo.
Rocky Mountain Radio Council, Denver, Colo.
University of Missouri, Columbia, Mo.
Stephens College, Columbia, Mo.
Oklahoma College for Women, Chickashaw, Okla.
East Center State Teacher's College, Ada, Okla.
University of Wichita, Wichita, Kans.
University of Texas, Austin, Tex.
Baylor University, Waco, Tex.
Southeastern Louisiana College, Hammond, La.

REGION VI

Active members (operating own stations):
KWSC, Washington State College, Pullman, Wash.
KOAC, Oregon System of Higher Education, Corvallis, Oreg.
KUSC-FM, University of Southern California.
KCVN-FM, College of the Pacific.
KEPS, Portland Public Schools, Portland, Oreg.
Associate members (using other facilities):
University of Hawaii, Honolulu, T. H.
University of Washington, Seattle, Wash.
University of California, Berkeley, Calif.
Brigham Young University, Provo, Utah.

Senator Johnson. I want to make certain that we get in the record at this point another telegram which was received from the Central Cooperative Wholesale, Superior, Wis., by John Miller, public-relations director. They asked me to read this into the record. I also desire to precede that telegram with a letter from Mr. John Carson, Washington head of the Cooperative League, from whom I requested some information with respect to the Central Cooperative Wholesale.

(The letter and telegram follow:)

THE COOPERATIVE LEAGUE OF THE UNITED STATES OF AMERICA,
Washington 6, D. C., April 14, 1948.

Hon. EDWIN JOHNSON,
Chairman, Senate Subcommittee on Interstate Commerce,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In response to your inquiry, I am pleased to advise you that Central Cooperative Wholesale, of Superior, Wis., is a member of the Cooperative League of the United States of America. This organization is owned by several hundred local consumer cooperative organizations in northern Michigan, Wisconsin, and Minnesota. And these local cooperative associations are owned by thousands of families. I would estimate that the family owners of this organization numbered 65,000 to 75,000. That would mean that about 250,000 of our citizens were affiliated with this group, and it is important to remember that they are the owners of the finest of democratic economic institutions in the country.

I am pleased that CCW wired to your committee. I wish you could go into that part of our country and mingle with the people there. I doubt that there is any part of our country where devotion to democratic principles and freedom exceeds that of these people. They are people who have not been blessed with great and rich natural resources. Their farms—as many as 90 percent of these people are farmers who own their own farms—are small. The land is none too good. The climate is very rugged as you may know. But these people are owners of farms and are proud of their devotion to democracy and freedom. I am confident that they could not justify the expenditure of money to appear before your committee.

As you know, consumer cooperative organizations recognize that the all-important enemy to democracy and freedom is monopoly. And monopoly means for them every concentration of power, where the power may be used to control or dominate other people. The fact is that information about your bill has not been communicated to the masses of our people, and therefore they have not been aroused to the need to write to your committee. I am confident that when the member-owners of consumer cooperatives know the facts about your bill, they will do what CCW has done, and thus your bill will have the support of 2,500,000 families, or 10,000,000 people.

I hope to see you some day, but I rarely get to the Capitol, and never except in search for news for our cooperative news service.

Yours sincerely,

JOHN CARSON.

SUPERIOR, WIS., April 13, 1948.

Senator EDWIN JOHNSON,
Chairman, Senate Subcommittee on Interstate Commerce,
Senate Office Building, Washington, D. C.:

In behalf of more than 65,000 consumer families served by us in Michigan, Wisconsin, and Minnesota, we request your permission to read our statement regarding your proposal to fix minimum of 50,000 watts and provide for duplication of clear-channel stations. In advance of our statement, can this telegram be presented to your committee? Our cooperative family sponsors a Monday-through-Friday noon broadcast explaining in each program the danger of monopoly in any form and we sincerely feel that your proposal helps us to counter the evils of concentrated control in radio. This Nation's greatest current and future enemy is in the gigantic stature of big business which aspires to become more gargantuan. This tendency opposes cooperatives' stanchest allies, namely, small-business men themselves, whom we serve by championing their danger from our common enemy. We are unable to come personally to Washington en masse or even by small representation, for we cannot pass expense and entertainment costs of travel on to our consumers, but we are certainly with you, Senator, in spirit and wish to add our measure of national concern as it affects the people in our area and their millions of American neighbors. We congratulate your effort to curb monopolistic trend in this country and offer our assistance toward your committee's constructive action.

Cooperatively yours,

CENTRAL COOPERATIVES WHOLESALE,
JOHN MILLER, Public Relations Director.

Senator Reed. We will recess until 2:30. The committee intends to finish this afternoon. At least, it very earnestly hopes it will finish. There has been sufficient time to develop all phases and angles of this question. We will therefore ask the witnesses who appear this afternoon to prepare your written statements to go into the record and prepare your oral statements.

We are in recess until 2:30 p.m.

(Whereupon, at 12:36 p.m., the committee recessed until 2:30 p.m. of the same day.)

AFTERNOON SESSION

(Whereupon, at 2:35 p.m., the committee reconvened, pursuant to the taking of the noon recess.)

Senator Johnson (presiding). The hearing will please come to order.

Mr. Herbert L. Wilson? (No response.)

Mr. Edward Breen? (No response.)

Mr. Walter Tison?

Mr. Tison. Here.

Senator Johnson. Mr. Tison, you may insert your statement in the record and give us oral testimony with respect to it, and with respect to the bill.

STATEMENT OF WALTER TISON, OWNER AND MANAGER, RADIO STATION WALT, TAMPA, FLA.

Mr. Tison. Yes, sir. My name is Walter Tison. I am the owner and manager of Station WALT, in Tampa, Fla., which is assigned to a daytime allocation of 1110 kilocycles and operating now on 1,000 watts.

My station is comparatively new, although I have been in this business since 1922. In this particular station that I am operating I am competing in the city of Tampa, Fla., with two full-time network-affiliated newspaper-owned radio stations.

When I decided to put in this particular station that I now own and operate myself I was confronted with the problem of being able to find a suitable frequency upon which to make the application for the station. A survey of the frequencies disclosed that I could possibly apply for a daytime station which was the only frequency that would be available under any conditions in the city of Tampa, Fla.

Our situation in Tampa and over most of the State of Florida is that all of the frequencies that are in use outside of the so-called clear channels are likewise used by Cuban and Mexican stations.

In the city of Habana, Cuba, alone there are some 32 transmitters. Most of these transmitters are separated by 30 kilocycles, and each of them can be heard at times very clearly in Tampa. As a matter of fact, we hear Mexican and Cuban jabber running on most of the frequencies all day long, with the exception of the so-called clear channels.

The situation in the Tampa area further is that in Cuba when our delegation negotiated the last treaty or the last understanding, they actually placed some 15,000-watt stations on so-called regional frequencies on which the maximum power that can be used is 5,000 watts. As a result, those 15-kilowatt stations that are operating in Cuba are heard very clearly in the State of Florida.

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

In re	)	
	)	
Clear Channel Hearings	)	Docket No. 6741

TESTIMONY OF MICHAEL R. HANNA, GENERAL MANAGER OF WHCU IN BEHALF OF CORNELL UNIVERSITY, LICENSEE

My name is Michael R. Hanna. I have been General Manager of Station WHCU in Ithaca, New York, since June, 1940. WHCU operates on 870 kc with 1 kilowatt power from sunrise to sunset in New Orleans. The dominant station on this Class I-A channel is WWL, New Orleans. WHCU is affiliated with the Columbia Broadcasting System.

This station is owned and operated by Cornell University which was established in 1868. Its present enrollment is approximately 10,000. It was the first school to establish a College of Nutrition. It is the only school today which has a College of Industrial and Labor Relations. Its scientists helped to develop the atom bomb and the University is presently an important seat for the study of nuclear physics and its application for the peacetime welfare of the world. Cornell has traditionally extended its educational programming beyond that of the classroom. For example, members of its faculty actually work and experiment in the fields with farmers, in the home with homemakers, in the shop with the laborer, and in the office with the businessman.

WHCU is an integral part of Cornell University. It is one of the natural media through which the University makes available not only to its students but to the area which it serves, its talents and resources. The station differs from most University-owned stations in that the revenue required for its operation is derived not by University or legislative appropriations but by the sale of time. Our income stays in a separate radio account. These funds are not comingled with the University's other funds. The profits of the station are used exclusively for current operating costs and technical improvement at the station. In addition, these funds are used for activities which, although not directly connected with radio broadcasting, advance the general welfare and education of the community.

The University assumed control of the responsibility for the operation of the station in June, 1940. Since that time, the station has been nationally recognized for its operation in the public interest. During the past seven years, Cornell has made repeated efforts to increase its hours of operation which are now limited to sunrise and sunset in New Orleans. Qualified radio consulting engineers have made a number of searches of the radio spectrum for us in order to find some frequency which would serve our needs and permit us to operate with unlimited time. The only possibilities discovered were two or three frequencies which would give us a highly restricted and limited nighttime coverage which would not serve more than the City of Ithaca, and this, only after meeting the requirements of a very complicated protective pattern, which would involve prohibitive costs to the University.

The interests and activities of a great university embrace all phases of human affairs and must be extended today far beyond the classroom. We now have the facilities through which we can disseminate vital and timely information to a much larger community. The activities of Cornell's scientists and its Colleges of Agriculture and Home Economics, the results of its research, its study and interpretation of public affairs, the work of its unique College of Industrial and Labor Relations should be and rightly are the property of all the people whom the university can reach through its own radio station and other media. At the present time, Station WHCU is handicapped in adequately disseminating the information it has an obligation to transmit. The station's limited facilities not only limits it in the portion of the potential audience which is available, but, equally important, it limits the station's participation in community and area affairs. In addition, important network programs in the field of entertainment and the field of information, such as the CBS Documentaries, must be recorded and played back at less advantageous times.

The University feels that some solution to this handicap of ours and others in our position, must be found. While we feel that the Commission must be applauded for its past efforts to reduce the so-called white spots on the American broadcast map, we urge that the present clear channel rule should be amended so that those stations qualified to do the kind of broadcasting which is vital to the public interest can operate at night.

It seems paradoxical to us that in the center of the nation's most populated state there should be an area embracing many thousands of families who do not and cannot receive a primary nighttime signal, but must receive radio service which is mediocre throughout the year and is characterized by static and fading during most of the time. These families are now deprived of the services of a local station which is qualified and prepared to serve their particular and localized needs.

This year WHCU won recognition in the form of a Peabody award for outstanding public service. Over the past years recognition has come from virtually every institution devoted to the public welfare. Such recognition comes not for the mere scheduling of spot announcements ground out in monotonous routine, but rather for the assumption of leadership on the part of all members of the staff in the development of programs carefully written and well produced, and designed to contribute materially to the success of community projects. For example, the City of Ithaca has a Reconstruction Home for those who have been stricken by polio. Last year, when the campaign lagged far behind its quota, we turned our station over to the patients of the Home. They became announcers and writers, sportscasters and actors, while our entire staff, with the exception of the engineers, stood by from sunrise to sunset participating only in appeals for funds. During that one day, more money was raised for this cause than has ever been raised in any campaign over a period of a month for such a purpose. I need not comment upon the self-evident fact that, through this event, WHCU contributed substantially to the morale of these unfortunate

victims. Had we been permitted to operate at night, not only would we have been able to raise more money, but we would have been able to contribute even more to the morale and self-confidence of these polio patients.

In the recent Cancer Drive, this station pledged itself to raise the entire county quota and urged the interested Citizens Committee to expend its efforts on other worthwhile community activities. The station raised the money, with plenty to spare, through the appeals of one announcer on one series of programs. A few more hours of broadcasting after sundown, with a larger audience, would certainly help to make our community a better place in which to live.

Ours is an area subject to paralyzing snow storms and floods. Under the present rule it would take an extreme tragedy to provide us with the argument to receive special permission to stay on the air beyond our license period with a mere 100 watts of power. Only one general daily newspaper is published in Ithaca. The people of our community are entitled to hear election returns as soon after the closing of the polls as possible. They should not have to wait 20 hours to get them. The Commission's clear channel rule makes it impossible for the community, at night, to receive local news and information to which it is entitled and which (we believe) WWL does not supply. The traditional American public forum, the right arm of the democratic process, is automatically excluded by the clear channel rule. Also ruled out is the use of one of radio's great potentials--spot coverage of important events within the area. We cannot broadcast an important public meeting. We cannot place our microphones in the meeting rooms of our

legislative bodies which, in our town, meet in the evening. To this cultured university town, Cornell brings the greatest of musicians and world renowned lecturers who can be heard by but a relative handful of our citizens, because here in the much discussed white spot, we cannot bring these events into the homes of our people. The broadcast of nighttime athletic events is out. This station is qualified and prepared to perform all of these services, yet it is powerless to do so because of outdated restrictions.

During the past 15 years numerous people have testified before the Commission and have given their reasons as to why they should have better radio facilities. I fully realize that some of the arguments which I have advanced in the course of my statement have been made before. As a matter of fact, some of the things which I have said here today have been said by Cornell when it has petitioned the Commission for temporary or special service authorizations. I know the testimony of other people and mine on previous occasions has been sincere and accurate. However, we cannot ignore--we must not ignore--the fact that we are living today in an atomic age when nations are at each other's throats, when class has been pitted against class, and strife and struggle is everywhere.

Now, more than ever before, radio broadcasters, and indeed the Commission, have an obligation to play a constructive role in human affairs. Every survey that has ever been taken has shown the rapid rise of the power and influence of radio. We radio broadcasters today figuratively and literally have the problems of the world upon our shoulders. Only if each

of us realizes these obligations and performs his respective duties in his own particular community can a beginning be made to solve this nation's and the world's problems.

Today we have the Marshall Plan. The public polls reveal an amazing lack of familiarity with its provisions. The problem of food has gone far beyond the academic stage--the problem is in every kitchen in America. The relationship between the farmer and the consumer is becoming more strained every day for a lack of mutual understanding. Labor and industrial relations continue to tear at the nerves of the nation. Prejudices against races, religions, and nations are breaking down the fiber of good citizenship.

Certainly it cannot be denied that Cornell has taken an active interest in the world's problems. It has made its contributions from the atom bomb to the laborer's lunch pail. This nation is made up of thousands of communities and areas similar to those served by WHCU. Integrate and solve the problems at the grass roots and the solution of our national problems is at hand.

The impediment which Cornell faces today is not one which it created. The impediment is a man-made rule which says that it cannot devote all of its energies to the solution of the problems of our community and in turn those of the world. All it is asking is an opportunity to fulfill its moral and ethical obligations as a licensee of an American broadcast station.

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